

placing a duty on wheat while admitting flour free of duty; to the Committee on Ways and Means.

Also, petition of sundry business concerns and citizens of Los Angeles and other towns of California, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the San Francisco Labor Council, San Francisco, Cal., relative to the appointment of a chief inspector and two assistant chiefs for the inspection of locomotive boilers; to the Committee on Labor.

By Mr. WALLIN: Petition of Local No. 231, Cigar Makers' Union, of Amsterdam, N. Y., against the admission of Philippine-made cigars free of duty; to the Committee on Ways and Means.

Also, petitions of sundry residents of the thirtieth district of New York, against the inclusion of mutual life insurance in the income-tax bill; to the Committee on Ways and Means.

## HOUSE OF REPRESENTATIVES.

THURSDAY, May 8, 1913.

The House met at 2 o'clock p. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Father in heaven, "We can not always trace the way where Thou Almighty One dost move," but we most fervently pray that, with perfect faith and confidence, we may follow where Thou dost lead, assured that though the way be often obscure, rough, and difficult at the end we shall be rewarded by a full rounded out character and hear the blessed words "Well done, good and faithful servant, enter thou into the joy of thy Lord." Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Tulley, one of its clerks, announced that the Senate had passed the following resolutions:

*Resolved*, That the Senate has heard with deep sensibility the announcement of the death of the Hon. LEWIS J. MARTIN, late a Representative from the State of New Jersey.

*Resolved*, That a committee of seven Senators be appointed by the Vice President to join the committee appointed on the part of the House of Representatives to take order for superintending the funeral of the Hon. LEWIS J. MARTIN, at Newton, N. J.

*Resolved*, That the Secretary communicate a copy of these resolutions to the House of Representatives and to the family of the deceased.

And that in compliance with the foregoing resolutions the Vice President had appointed Mr. HUGHES, Mr. MARTINE of New Jersey, Mr. CUMMINS, Mr. TOWNSEND, Mr. HITCHCOCK, Mr. REED, and Mr. CLARK of Arkansas as the committee on the part of the Senate.

The message also announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 2441. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes.

### SUNDY CIVIL APPROPRIATION BILL.

Mr. FITZGERALD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2441) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1914, and for other purposes, disagree to the Senate amendments, and ask for a conference.

The SPEAKER. The gentleman from New York [Mr. FITZGERALD] asks unanimous consent to take the sundry civil appropriation bill from the Speaker's table, disagree to the Senate amendments, and ask for a conference. Is there objection?

There was no objection, and the Speaker announced as conferees on the part of the House Mr. FITZGERALD, Mr. SHERLEY, and Mr. GILLET.

### THE TARIFF.

The SPEAKER. Just before the adjournment last night the gentleman from Illinois [Mr. MANN] demanded the reading of the engrossed bill H. R. 3321.

Mr. MANN. Mr. Speaker, I withdraw my demand for the reading of the engrossed bill.

Mr. PAYNE. I suppose the bill will be read by title, Mr. Speaker. I move to recommit the bill with the instructions which I send to the Clerk's desk.

Mr. MURDOCK. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Kansas [Mr. MURDOCK] rise?

Mr. MURDOCK. I have also a motion to recommit.

The SPEAKER. There can not be two of them at once.

Mr. MURDOCK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. What is the practice of the House as to recognition for a motion to recommit?

The SPEAKER. The Chair laid down this rule, from which he never intends to depart unless overruled by the House, that on a motion to recommit he will give preference to the gentleman at the head of the minority list, provided he qualifies, and then go down the list of the minority of the committee until it is gotten through with. And then if no one of them offer a motion to recommit the Chair will recognize the gentleman from Illinois [Mr. MANN] to make it, but if he does not do so, will recognize the gentleman from Kansas [Mr. MURDOCK] as the leader of the third party in the House. [Applause.]

Mr. MURDOCK. Mr. Speaker, the Speaker leaves out one of the essential elements as to that recognition, and that is that a man who offers a motion to recommit and who is recognized must be against the bill.

The SPEAKER. Of course. The Chair said that he would have to qualify. That is what the Chair meant by that.

Mr. MURDOCK. Then, by the Speaker's ruling the first recognition goes to the gentleman from New York?

The SPEAKER. Undoubtedly.

Mr. MURDOCK. And thereafter to whom?

The SPEAKER. The next man on the minority of the Ways and Means Committee, whoever he is, and then clear down the line, *seriatim*.

Mr. MURDOCK. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. The Speaker mentioned the gentleman from Illinois [Mr. MANN].

The SPEAKER. The Chair will state it over again. The present occupant of the chair laid down a rule here about a year ago or more that in making this preferential motion for recommitment the Speaker would recognize the top man on the minority of the committee if he qualified—that is, if he says he is opposed to the bill—and so on down to the end of the minority list of the committee. Then, if no gentleman on the committee wants to make the motion, the Speaker will recognize the gentleman from Illinois [Mr. MANN], because he is the leader of the majority of the minority. Then, in the next place, the Speaker would recognize the gentleman from Kansas [Mr. MURDOCK].

Mr. MURDOCK. Now, Mr. Speaker, another parliamentary inquiry.

The SPEAKER. But in this case the gentleman from Kansas [Mr. MURDOCK] is on the Ways and Means Committee, which would bring him in ahead, under that rule, of the gentleman from Illinois [Mr. MANN].

Mr. MURDOCK. Another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. If the gentleman from New York [Mr. PAYNE] is recognized to move to recommit, do I have the opportunity to amend the motion to recommit?

The SPEAKER. You do if the gentleman from Alabama [Mr. UNDERWOOD] is not too quick. [Laughter.]

Mr. UNDERWOOD. Mr. Speaker, I will ask the Clerk to report the motion to recommit, embodying the amendment.

The SPEAKER. The Clerk will report the motion to recommit. The Clerk read as follows:

By Mr. PAYNE:

I move to recommit the bill (H. R. 3321) to reduce the tariff duties and to provide revenue for the Government, and for other purposes, to the Committee on Ways and Means, with directions to that committee to report back to the House, as speedily as possible, the said bill (H. R. 3321) so amended that it will provide:

First. For a tariff commission in the following language:

"A. That a commission is hereby created, to be known as the tariff commission, which shall be composed of five members, who shall be appointed by the President, by and with the advice and consent of the Senate. The members first appointed under this act shall continue in office from the date of qualification for the terms of two, three, four, five, and six years, respectively, from and after the 1st day of July, A. D. 1913, the term of each to be designated by the President; but their successors shall be appointed for terms of six years, except that any person chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate a member of the commission to be the chairman thereof during the term for which he is appointed. Any member may, after due hearing, be removed by the President for inefficiency, neglect of duty, or malfeasance in office. Not more than three members of said commission shall be members of the same political party. Three members of said commission shall constitute a quorum. The chairman of said commission shall receive a salary of \$7,500 per annum and the other members each a salary of \$7,000 per annum. The commission shall have authority to appoint a secretary and fix his compensation, and to appoint and fix the compensation of such other employees as it may find necessary to the performance of its duties.

"B. That the principal office of said commission shall be in the city of Washington. The commission, however, shall have full authority, as a body, by one or more of its members, or through its employees, to conduct investigations at any other place or places, either in the United States or foreign countries, as the commission may determine. All the



expenses of the commission, including all necessary expenses for transportation incurred by the members or by their employees under their orders, in making any investigations, or upon official business in any other places than in Washington shall be allowed and paid on the presentation of itemized vouchers therefor, approved by the chairman of the commission. Should said commission require the attendance of any witness, either in Washington or any place not the home of said witness, said witness shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

"C. That it shall be the duty of said commission to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation, with special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said commission shall also make investigation of any such subject whenever directed by either House of Congress.

"D. That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States, which discriminates against the United States or the products thereof, and to assist the President in negotiating trade agreements with foreign nations and other administrative provisions of the customs laws, the commission shall, from time to time, make report, as the President shall direct.

"E. That for the purposes of this act said commission shall have power to subpoena witnesses, to take testimony, administer oaths, and to require any person, firm, copartnership, corporation, or association engaged in the production, importation, or distribution of any article under investigation to produce books and papers relating to any matter pertaining to such investigation. In case of failure to comply with the requirements of this section, the commission may report to Congress such failure, specifying the names of such persons, the individual names of such firm or copartnership, and the names of the officers and directors of each such corporation or association so failing, which report shall also specify the article or articles produced, imported, or distributed by such person, firm, copartnership, corporation, or association, and the tariff schedule which applies to such article.

"F. That in any investigation authorized by this act the commission may obtain such evidence or information as it may deem advisable, for its confidential use, and in case the evidence or information is so obtained, said commission shall not be required to divulge the names of persons furnishing such evidence or information: *Provided*, That no evidence or information so secured under the provisions of this section from any person, firm, copartnership, corporation, or association shall be made public in such manner as to be available for the use of any business competitor or rival.

"G. That said commission shall make reports to Congress of its investigations, including an annual report and such special reports as the President or either House of Congress may direct. Said reports shall be printed as public documents. Ten thousand copies of the annual report shall be published and ready for distribution on the first Monday of December of each year.

"H. That upon the taking effect of this act there shall be transferred to the tariff commission hereby created all such property and equipment, books, and papers, as were possessed or used by the body heretofore known as the 'Tariff Board,' in connection with the subjects for which the tariff commission is hereby created."

Second. For a revision of Schedule K, relating to wool and manufactures of wool, as follows, to wit:

"1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

"2. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class 2, and also the hair of the camel, Angora goat, alpaca, and other like animals.

"3. Class 2, that is to say, Donskol, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

"4. The standard samples of all wools which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

"5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

"6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

"7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean

content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe. The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 19 cents per pound.

"8. The duty on all wools of class 2, including camel's hair of class 2, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bookings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid, there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

"9. The duty on wools on the skin shall be 2 cents less per pound than is imposed upon the clean content as provided for wools of class 1, and 1 cent less per pound than is imposed upon wools of class 2 imported in their natural condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

"10. Top waste and slubbing waste, 18 cents per pound.

"11. Roving waste and ring waste, 14 cents per pound.

"12. Nolls, carbonized, 14 cents per pound.

"13. Nolls, not carbonized, 11 cents per pound.

"14. Garnetted waste, 11 cents per pound.

"15. Thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound.

"16. Shoddy, mungo, and wool extract, 8 cents per pound.

"17. Woolen rags and flocks, 2 cents per pound.

"18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"19. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"20. On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 21½ cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

"Valued at more than 30 cents and not more than 50 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

"Valued at more than 50 cents and not more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

"Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

"Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"Valued at more than 80 cents and not more than \$1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

"Valued at more than \$1 and not more than \$1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

"Valued at more than \$1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"22. On blankets and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 23½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

"Valued at more than 40 cents and not more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

"Valued at more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

"*Provided*, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

"23. On ready-made clothing and articles of wearing apparel, knitted or woven, of every description, made up or manufactured wholly or in part and composed wholly or in part of wool, the rate of duty shall be as follows:

"If valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

"If valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

"If valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

"If valued at more than 80 cents and not more than \$1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

"If valued at more than \$1 and not more than \$1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"If valued at more than \$1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 60 per cent ad valorem.

"24. On all manufactures of every description made wholly or in part of wool, not specially provided for in this section, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem: *Provided*, That if the component material of chief value in such manufactures is wood, paper, rubber, or any of the baser metals, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem, and if the component material of chief value in such manufactures is



silk, fur, precious or semiprecious stones, or gold, silver, or platinum, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

"25. On handmade Aubusson, Axminster, oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets and bookings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bedsides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

"26. Whenever, in any schedule of this act, the word 'wool' is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by the woolen, worsted, felt, or any other process."

Third. For a revision of Schedule I, relating to cotton manufactures, which shall provide such classifications of, and such tariff rates upon, the articles enumerated therein as shall be equal, as to the articles produced in the United States, to the difference in cost of production in the United States and in foreign countries of the articles enumerated in accordance with the facts found by the Tariff Board in its report transmitted to Congress on the 26th day of March, 1912.

Fourth. For a revision of the remaining tariff schedules so as to provide tariff rates which shall be equal, as to the articles produced in the United States, to the estimated difference in cost of production in the United States and in foreign countries of the articles enumerated to the extent of reasonable protection of home industries.

Fifth. In revising said schedules, the tariff rates shall be adjusted by specific duties on the units of quantity of each article so far as the same be practicable.

During the reading of the foregoing, the following occurred:

Mr. MANN. Mr. Speaker, in the motion to recommit there is contained the language of the Payne tariff-commission bill, which has already been before the House, and there is also the language of the Payne woolen-schedule revision bill, which has also been before the House; and I ask unanimous consent that the reading of those bills may not be had, but that they may be inserted in the Record.

The SPEAKER. The gentleman from Illinois [Mr. MANN] asks unanimous consent that the two propositions, one about the tariff commission and the other about the woolen schedule, be omitted from the reading.

Mr. MANN. That they be printed in the Record, but not read.

The SPEAKER. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Speaker, I make a point of order against the motion to recommit.

Mr. MANN. I would like to have the rest of the motion put.

The SPEAKER. The Chair will recognize the gentleman from Alabama [Mr. UNDERWOOD] to make his point of order when the time comes.

The Clerk concluded the reading of the motion to recommit.

Mr. UNDERWOOD. Mr. Speaker, I make the point of order that the motion to recommit contains substantive matters that are not germane to the bill under consideration.

I shall not take up the time of the House in engaging in a lengthy discussion of the motion at this time, because I think the Speaker is following the precedents. In the last Congress he himself ruled that where a matter that is not germane is contained in a motion to recommit it carries out with it all the other questions contained in the motion to recommit.

The point that I make and the feature to which I direct my attention chiefly is the part of the motion that seeks to establish a tariff board or commission. My contention is, Mr. Speaker, that that is not germane because it does not relate to the object and the purpose of this bill.

The question was very thoroughly discussed in the Committee of the Whole House on the state of the Union, and inasmuch as the Speaker was present at the time that I addressed myself to the Chairman of the committee, and heard it, I shall not inflict it on the Speaker again.

Mr. MANN. Mr. Speaker, the motion to recommit contains a direction to the Committee on Ways and Means to report the bill back to the House with a provision creating a tariff commission. It might be well to state that it is not the theory of the motion, or the notion of this side of the House, that that revision of the tariff should be postponed until the tariff commission to be created had reported. We do not ask or suggest that. But the proposition for the creation of a tariff commission is submitted in order to obtain the information upon which Congress may hereafter act in making further revisions of the tariff from time to time.

The gentleman from Alabama [Mr. UNDERWOOD] makes the point of order that the tariff-commission proposition is not germane to the provisions in this bill. What is the bill? It is a bill providing for a general and complete revision of the tariff; providing also for the collection of internal revenue in the way of an income tax, and making many other provisions, some of which are designed to give information to Congress for future revisions of the tariff. The whole scope of tariff legislation is entered into in this bill, revising every item in the tariff list,

both the dutiable list and the free list. Then it provides other contemplated action in the future upon the tariff.

We contend that a provision creating a tariff commission to give further information to Congress in contemplation of future revision of the tariff is a part and parcel of the proposition to now revise the tariff and obtain information such as is sought in this bill for other revisions of the tariff.

It is true that this proposition was presented in the Committee of the Whole House on the state of the Union and ruled out of order by the distinguished gentleman from Tennessee [Mr. GARRETT], then occupying the chair. In an observation made by the occupant of the chair, I believe, he stated that there was fundamental objection to considering a tariff commission germane to a tariff revision. We consider it fundamental and part of a complete tariff revision to provide for obtaining full information for future tariff revision. Do the gentlemen on the other side think that this tariff law, when it is written, is like the laws of the Medes and Persians—unchangeable?

Do gentlemen on the Democratic side assume that the final word has been written when this tariff law has been approved? Do they consider that there never will be any change in the tariff law in the future? If it be fundamental that a tariff commission to obtain information is not related to a revision of the tariff, it can only be upon the supposition that this tariff law, when written, is the end of tariff legislation.

So that if there were no provisions in this bill at all except the dutiable list and the free list I would contend that the provision for a tariff commission was germane to the proposition to revise the tariff as to those propositions, the dutiable and the free list, because men of sense everywhere must know that there will be further revision and changes in the tariff in the future; and to assume that the obtaining of information will be of no aid in future revisions of the tariff is to assume that all knowledge now resides in a small membership in this House of Representatives.

But there are other provisions in the bill to which the tariff-commission proposition is also germane. I call the attention of the Speaker to paragraph R of Section III on page 183:

That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported; that such actual market value shall be held to be the price at which such merchandise is freely offered for sale to all purchasers in said markets, in the usual wholesale quantities, and the price which the seller, shipper, or owner would have received, and was willing to receive, for such merchandise when sold in the ordinary course of trade in the usual wholesale quantities.

And further, in line 22 of page 184—

That the words "value," or "actual market value," or "wholesale price," whenever used in this act, or in any law relating to the appraisement of imported merchandise, shall be construed to be the actual market value or wholesale price of such, or similar merchandise comparable in value therewith, as defined in this act.

Here is one proposition in the bill which clearly contemplates the learning by the officials of this country of the market value and the wholesale price of all or any of the commodities carried by the tariff bill. And, further, paragraph U of the same section provides:

U. That if any person, persons, corporations, or other bodies, selling, shipping, consigning, or manufacturing merchandise exported to the United States shall fail or refuse to submit to the inspection of a duly accredited investigating officer of the United States, when so requested to do, any or all of his books, records, or accounts pertaining to the value or classification of such merchandise then the Secretary of the Treasury, in his discretion, is authorized while such failure or refusal continues to exclude from entry any and all merchandise sold, shipped, consigned, or manufactured by such person, persons, corporations, or other bodies and imported into the United States.

Here is a paragraph of the bill which clearly authorizes the Secretary of the Treasury, or the other proper officials of the Government of the United States, to investigate books, records, and accounts of every person offering to sell, ship, consign, or manufacture merchandise to be exported to the United States through a duly accredited investigating officer of the United States. Is not that as broad in its purpose, to the extent that it goes, as the creation of a tariff commission to ascertain prices and cost abroad?

This proposition authorizes the investigation of foreign factories, of foreign manufacturing establishments, of foreign wholesalers, and foreign jobbers, and any person engaged in the selling of produce or products to be shipped to the United States.

Again, paragraph V of Section III provides:

V. That if any person, persons, corporations, or other bodies engaged in the importation of merchandise into the United States or engaged in dealing with such imported merchandise shall fail or refuse to submit to the inspection of a duly accredited investigating officer

of the United States, upon request so to do from the chief officer of customs at the port where such merchandise is entered, any or all of his books, records, or accounts pertaining to the value or classification of any such imported merchandise, then the Secretary of the Treasury, in his discretion, is authorized while such failure or refusal continues, to exclude from entry any and all merchandise consigned or shipped, or intended for delivery, to such person, persons, corporations, or other bodies so failing or refusing.

What do we find in these two paragraphs? First, that the investigating officer of the United States may make investigations of any foreign producer, any foreign shipper, any foreign manufacturer, any foreign factory; and next, that he may make investigation of any importer, any person who has bought foreign goods and brought them to the United States, any merchant who brings goods into the United States, any manufacturer who brings raw materials into the United States. Anyone who imports foreign goods must throw his books open for investigation by the investigating officer, or he can not import goods. On the one hand, no exporter can ship goods to the United States unless he permits an investigation of his books, showing the prices and costs of production, and no person, on the other hand, can import goods into the United States unless he produces his books showing the cost so far as it applies to the goods.

Now, the only difference between the two propositions, the one in the bill and the one we submit, is this: The two provisions in the bill authorize the Treasury Department to make these wide and sweeping investigations, but the Treasury Department is a partisan department under the control of one party in the Government. We propose a nonpartisan commission to make the investigation which will help the confidence of all political parties, of all the people in the country, so far as it is possible to have confidence in the report of any board. Will people say, when you offer a proposition to have a political partisan investigation, that it is not germane to change the persons who make the investigation into a nonpartisan or bipartisan board? Certainly it is only a change of the persons who are to make the investigation. Investigation is provided for in the bill, but unfortunately, as political parties go, seldom does one party have complete confidence in the report of the political agents of the other party.

Not only that, Mr. Speaker, but in Section IV of this bill, page 195, paragraph A, it is provided—

That for the purpose of readjusting the present duties on importations into the United States and at the same time to encourage the export trade of this country, the President of the United States is authorized and empowered to negotiate trade agreements with foreign nations wherein mutual concessions are made looking toward freer trade relations and further reciprocal expansion of trade and commerce: *Provided, however*, That said trade agreements before becoming operative shall be submitted to the Congress of the United States for ratification or rejection.

Here is a proposition authorizing the President to make investigation. For what purpose? For the purpose of having legislation by Congress. Because the only way that Congress can ratify or reject the convention would be by legislation. Here is a proposition authorizing the President to make investigation which must be made before he enters into trade conventions or trade agreements and submit these trade agreements to Congress for its disposition. How can it be claimed that a provision directing the President to appoint a nonpartisan tariff board to make these investigations is not germane to the proposition requiring or authorizing the President to make trade agreements and submit them to Congress for legislation?

The purpose of a tariff commission is to obtain information for the purpose of aiding Congress in future legislation upon the tariff. The purpose of paragraph A, Section IV, is to have the President obtain information and submit that information to Congress for future legislation by Congress in regard to the tariff.

Not only that, but on page 215, paragraph R, of Section IV, it is provided—

That whenever articles are exported to the United States of a class or kind made or produced in the United States, if the export or actual selling price to an importer in the United States, or the price at which such goods are consigned is less than the fair market value of the same article when sold for home consumption in the usual and ordinary course in the country whence exported to the United States at the time of its exportation to the United States, there shall, in addition to the duties otherwise established, be levied, collected, and paid on such article on its importation into the United States a special duty (or dumping duty) equal to the difference between the said export or actual selling price of the article for export or the price at which such goods are consigned, and the said fair market value thereof for home consumption, provided that the said special duty shall not exceed 15 per cent ad valorem in any case and that goods whereon the duties otherwise established are equal to 50 per cent ad valorem shall be exempt from such special duty.

Here is another proposition requiring an investigation of the prices at which all articles imported into the United States sell in the country from which they come if they are on the dutiable list.

Then I call the attention of the Speaker to paragraph S of Section IV, page 216, which reads:

S. That the President shall cause to be ascertained each year, the amount of imports and exports of the articles enumerated in the various paragraphs in section 1 of this act and cause an estimate to be made of the amount of the domestic production and consumption of said articles, and where it is ascertained that the imports under any paragraph amount to less than 5 per cent of the domestic consumption of the articles enumerated he shall advise the Congress as to the facts and his conclusions by special message.

What does this section contemplate? It contemplates obtaining by the President of the United States information to be transmitted to the Congress in contemplation of future tariff legislation. It means nothing except that when the President ascertains certain facts he shall advise Congress what, in his judgment, ought to be made in the way of changes in the tariff law. Now, the gentleman from Alabama [Mr. UNDERWOOD] says that while the bill provides that the President shall obtain this information, it is not germane for us to say how the President shall obtain the information. He says that it is in order to provide that the President shall obtain the information only through Democratic officials, but not in order to provide that the President may appoint a bipartisan or nonpartisan board to obtain the information. In either case the information is to be transmitted to Congress for future action or legislation by Congress.

Now, Mr. Speaker, what are the rules in reference to this matter? The old rule of the House, which has been in the rules of the House for many years, paragraph 7 or Rule XVI, provides:

And no motion or proposition on the subject different from that under consideration shall be admitted under color of amendment.

There have been some rulings on this provision in the rules. I will call the attention of the Speaker to a rather notable ruling made not by a regular Speaker of the House, but by one of the great parliamentarians of the House, who has often been denounced as an arbitrary parliamentarian and accused of all the faults which could come from arbitrary power, the Hon. John Dalzell, formerly of this House.

When the bill providing for the Department of Commerce and Labor was before the House—

The SPEAKER. From what is the gentleman reading?

Mr. MANN. I am reading from a private book.

The SPEAKER. The Chair supposed the gentleman was reading from a public document. The gentleman will proceed.

Mr. MANN. The Chair will find the proposition in the Record of January 17, 1903, at page 927. I had charge of that bill in the House. The bill provided for a Department of Commerce and Labor. The gentleman from Alabama, Mr. RICHARDSON, offered a motion to recommit with instructions. The beginning of that motion was in this form:

*Resolved*, That the pending bill be recommitted to the Committee on Interstate and Foreign Commerce with instructions to report a bill or bills to the House to create and establish two separate departments—a Department of Labor and a Department of Commerce—each of the same dignity as existing departments, and each with a Secretary in the Cabinet of the President, and to assign to each of the departments proper and relative bureaus; and with instructions also to strike out section 7 of the bill and insert the following as a section.

Then follows a couple of columns in the CONGRESSIONAL RECORD of instructions which were not covered in the original bill. To this motion I made the point of order. Here was a proposition in the form of a bill to create one department of the Government and a motion to recommit with instructions to bring in one or more bills to create two departments of the Government, with different authority from that carried in the bill before the House. If this proposition of ours now under consideration is subject to a point of order, then the proposition to recommit made at that time would be subject to a point of order tenfold. After discussion in the House the gentleman from Pennsylvania, Mr. Dalzell, who was acting as Speaker pro tempore, overruled the point of order and held the motion to recommit in order, because the House, having jurisdiction of the general subject in the bill before the House, could send it back to a committee with such instructions as it pleased.

The SPEAKER. Was that on a motion to recommit or a motion to refer?

Mr. MANN. That was a motion to recommit.

The SPEAKER. The Chair will ask the gentleman himself if he believes that decision was correct?

Mr. MANN. I do.

The SPEAKER. Does it not run counter to sundry decisions rendered by various Speakers?

Mr. MANN. The distinguished gentleman now in the chair did not think so at that time. [Laughter.]

The SPEAKER. But a man is supposed to learn something in the course of time, and it seems the gentleman from Illinois [Mr. MANN] also changed his mind. [Renewed laughter.]



Mr. MANN. Mr. Speaker, when I am in charge of a bill, like the gentleman from Alabama, I take advantage of technical propositions where the other side is seeking to gain advantage; but we had in the chair a parliamentarian who, acting as Speaker, was unwilling to endeavor to give the Republican side of the House a partisan advantage, and he held the motion to recommit was in order and we were compelled to go on record on a roll call to defeat it.

The SPEAKER. The Chair will ask the gentleman another question, and that is if he thinks that decision is in point?

Mr. MANN. Mr. Speaker, if I did not, I would not have quoted it. Of course, it is in point, directly, squarely in point.

What is the other provision of the rule? There is the further provision in the rules, put there for the first time by a Democratic Congress, being paragraph 3 of Rule XXI, that—

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill; nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

The only portion of that rule which can be in point is the provision that no amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill. What was the reason for adopting that provision? There was considerable agitation in the country toward having tariff legislation by schedules, or piecemeal, instead of in a complete bill. It was the intention of the Democratic side of the House during the Sixty-second Congress to bring in tariff-schedule bills to revise the tariff schedule by schedule. There were a good many propositions submitted both here and at the other end of the Capitol designed to prevent amendments on the floor of either the House or the Senate which would add one schedule of the tariff law to another schedule of the tariff law. If a bill were brought in revising the chemical schedule, these propositions were designed to rule out of order amendments revising, say, the metal schedule or the woolen schedule; and the Democratic majority wrote this provision into the rules for the sole purpose, as I believe, of responding to that sentiment then prevailing, that tariff revision should be schedule by schedule. But even if it should be applied strictly to a tariff revision in a complete bill, I contend that the provision which we have offered is germane to the subject matter in the bill. What is the provision which we have offered? Outside of the provision for the appointment of the commission and regulating the powers of the commission, what is the commission to do as we propose?

That it shall be the duty of said commission to investigate the cost of production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation.

Do we not have provisions in the bill which makes that in order?

It shall be the duty of the commission to investigate the cost of the production of all articles which by any act of Congress now in force or hereafter enacted are made the subject of tariff legislation.

There are many items in this bill authorizing the President or the Secretary of the Treasury to investigate the cost of production through the examination of books of all the articles which are the subject of tariff legislation. Then comes the additional provision or limitation or direction in our motion:

With special reference to the prices paid domestic and foreign labor and the prices paid for raw materials, whether domestic or imported, entering into manufactured articles, producers' prices and retail prices of commodities, whether domestic or imported, the condition of domestic and foreign markets affecting the American products, including detailed information with respect thereto, together with all other facts which may be necessary or convenient in fixing import duties or in aiding the President and other officers of the Government in the administration of the customs laws, and said commission shall also make investigation of any such subject whenever directed by either House of Congress.

Simply providing for a nonpartisan or bipartisan tariff board to obtain the same information which, under the bill, the President or the Secretary of the Treasury would be enabled to obtain through political partisan sources. And the further provision in our motion is:

That to enable the President to secure information as to the effect of tariff rates, restrictions, exactions, or any regulations imposed at any time by any foreign country upon the importation into or sale in any such foreign country of any products of the United States, and as to any export bounty paid or export duty imposed or prohibition made by any country upon the exportation of any article to the United States which discriminates against the United States or the products thereof, and to assist the President in negotiating trade agreements with foreign nations and other administrative provisions of the customs laws, the commission shall, from time to time, make report, as the President shall direct.

These are the essential powers conferred upon the commission, except those powers which are accessory for the purpose of carrying into effect the directions to the commission to obtain facts. Now, Mr. Speaker, I am going to do myself the honor to call the Speaker's attention to the motion to recommit,

which the Speaker, then minority leader, made four years ago. True, it is rather mean to do so—

The SPEAKER. Go ahead; that is all right.

Mr. MANN. But I guess the Speaker, like myself, is very callous to all these things and takes them either coming or going. It is true that four years ago, on the motion made by the distinguished gentleman from Missouri [Mr. CLARK] to recommit the bill, this side of the House, not being afraid, not being cowards, always willing to go on record, did not raise the point of order. We were willing to face the issue and willing to vote upon it. [Applause on the Republican side.] Over there you are afraid to face the issue; you are afraid to vote upon it; you invoke the technical rules, which we did not invoke four years ago. I do not know what the ruling would have been if there had been a point of order made on the motion to recommit four years ago, but my own judgment is that, with the broadness of mind of the gentleman then occupying the Speaker's chair, the Hon. Joseph G. Cannon, he would have overruled the point of order and held that any proposition relating to the tariff was in order and that the House could vote it up or down. Four years ago the present Speaker made a motion to recommit.

Among other things, he provided for a maximum and a minimum tariff. [Applause on the Republican side.] He voted for it, as did the gentleman from Alabama [Mr. UNDERWOOD], seeking to obtain power. In a motion to recommit, half a column long, nearly half of the provision was for the purpose of providing a maximum and minimum tariff—nearly half their motion, nearly half the proposition they submitted four years ago was to provide a maximum and minimum tariff. Now, when they have the power to provide a maximum and minimum tariff they hold up their hands in holy horror at the idea, and refuse to accept an amendment from this side of the House to put a maximum and minimum in the tariff bill. When they were outside seeking power they wanted maximum and minimum; inside, having power, no, no; stay back. And the motion made by the gentleman from Missouri, now Speaker, four years ago also provided:

Whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly or trust in the United States, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspension shall continue as long as such enhancement in price of such commodity or article of merchandise exists, and until revoked by the President.

The gentleman from Alabama [Mr. UNDERWOOD] would say that that proposition was not germane to a tariff bill. In the last Congress, when a similar proposition was offered on some of the tariff schedule bills, it was ruled out of order as not germane to a tariff bill, under a technical ruling, I suppose, not germane to a tariff schedule bill, although the Speaker apparently thought four years ago it was germane to a tariff revision bill. And next:

Amend by reducing and adjusting rates in all schedules so that the duties shall not exceed the difference in the cost of labor in America and abroad, and shall be upon a basis to produce increased revenue for the Government and competitive prices for the American consumer.

I notice, by the way, that neither of these important provisions are covered in the existing bill. Nearly every item of importance in the motion to recommit four years ago is left out of the tariff bill now. If the Democratic side of the House thought four years ago they ought to be in the bill, do they now contend that it is improper for us to offer the proposition? Having omitted them themselves, do they go so far as to say that what they advocated should be in a tariff bill four years ago is now improper to suggest from this side of the House? Is the Speaker prepared to rule that his motion to recommit four years ago was buncombe, that he did not mean it, that he knew it was not germane, that he knew it had nothing to do with the tariff, or will he hold that what he offered four years ago was germane to the bill then, and that similar propositions are germane to the bill now?

Mr. Speaker, I do not believe that the political necessities of the Democrats are so severe that they must call upon you to render at this time a partisan decision to preserve them from the wrath of the country. And I hope that the Speaker will make the ruling, in accordance with the rules and the precedents of what is clearly germane to any tariff legislation, that a provision for a tariff commission is in order. [Applause on the Republican side.]

Mr. UNDERWOOD. Mr. Speaker, I am sure that the Chair has been entertained by the interesting political discussion which the distinguished gentleman from Illinois [Mr. MANN] has just delivered. But as to the criticism of the point of order, Mr. Speaker, I fail to see that the gentleman has thrown any light on the situation. The gentleman criticizes the fact that



the Speaker four years ago offered a motion to recommit that contained instructions in reference to a minimum and maximum provision. The gentleman from Illinois remembers as well as I do that that very subject matter was in the Payne tariff bill, and the only change that was suggested was to reverse the situation in the bill and make the conventional tariff the maximum and a reduction of 25 per cent the minimum, instead of the situation as it stands in the bill to-day. Now, could any man doubt that to reverse the proposition in the bill was germane to the subject matter of the bill? And yet the gentleman would have the Speaker overrule this motion because he was guilty of offering an amendment to a proposition, distinctly stated in the bill under consideration. Mr. Speaker, a rule of this House provides that an amendment—and this is an amendment, so far as the consideration of it is concerned—must be germane to the bill, to the subject matter in the bill, and the subject matter in the paragraph to which it is offered.

Now, Mr. Speaker, the gentleman from Illinois contends that a tariff board to be used for the purpose of making a tariff bill is germane to a general tariff bill because the two are related to each other. If that is true, if there were a provision before the Speaker now to consider a paragraph levying a tax on wheat, would the Speaker hold that to amend the provision by levying a tax on a threshing machine would be germane?

The SPEAKER. He would not.

Mr. UNDERWOOD. The threshing machine takes the wheat from the straw and drops it into the sack. The gentleman wants to create a threshing machine to make a tariff bill, and asks you to hold that a threshing machine in a tariff bill is germane to the subject. [Laughter and applause on the Democratic side.]

Mr. MANN. Mr. Speaker, does the gentleman yield for a question?

The SPEAKER. Does the gentleman yield to the gentleman from Illinois [Mr. MANN]?

Mr. UNDERWOOD. Yes.

Mr. MANN. In this bill, if threshing machines were not mentioned, would an amendment to put them on the free list or put them on the dutiable list be in order?

Mr. UNDERWOOD. It would not be germane to the paragraph that taxed wheat.

Mr. MANN. But we are not offering this amendment to a paragraph.

Mr. UNDERWOOD. I referred it to a paragraph.

Mr. MANN. Yes.

Mr. UNDERWOOD. The same proposition applies to the whole bill. Mr. Speaker, you might just as well say that the water that comes out of a pump is germane to the pump, because they are related to each other. [Laughter on the Democratic side.]

In reference to the decision that the gentleman from Illinois [Mr. MANN] referred to, decided by the distinguished gentleman from Pennsylvania, Mr. Dalzell, relating to a bill establishing a Department of Commerce and Labor, why, Mr. Speaker, no man could question, when you brought in a bill here providing for a great department, one to administer affairs relating to commerce and one relating to affairs in reference to labor, and join them together and call it a "Department of Commerce and Labor," that it would not be germane to say "instead of one department we shall have two, and in one set of these bureaus a department of labor and in another set a department of commerce." They were related; the subject matter was the same.

But the question in a case of this kind is that the subject matter of the amendment must be directly related to the subject matter of the bill, and not indirectly related. And, Mr. Speaker, the gentleman from Illinois in his argument has most forcefully presented to the Speaker the necessity of maintaining that rule. The purpose of the rules of this House is that legislation that comes before the House may be carefully considered and well thought out by the committees before it is presented to the House for its consideration.

Now, look at the scope of legislation that the gentleman from Illinois by his argument would invite any Member of the House, without thought or consideration, to force the House to vote upon. Why, he points out the fact that this bill contains a provision for the inspection of the books of foreign merchants under some circumstances and asks, "How we are going to obtain that information unless we establish a tariff board?" Why, Mr. Speaker, to-day we have agents in our foreign service, both in the Treasury Department and in the State Department, that are charged with that duty as far as they can exercise it; and if it is necessary to amend this bill, or if any proposition is germane to this bill that relates indirectly

to the inspection of the books, then, Mr. Speaker, by your decision, if you hold that way, you would open a revenue bill to an entire reorganization of both the Treasury Department and the Consular Service of the United States. [Applause on the Democratic side.]

The gentleman from Illinois [Mr. MANN] says that because we have charged the President of the United States with the duty of laying before the Congress of the United States certain facts relating to the importation of foreign goods, we must of necessity have a tariff board to perform that service. Why, Mr. Speaker, no man knows better than does the gentleman from Illinois that the Democratic Party has already established the machinery of government qualified not only to ascertain that fact but also to ascertain every fact that he seeks to have ascertained by the establishment of a tariff board. [Applause on the Democratic side.]

More than that, Mr. Speaker, we have established a Bureau of Foreign and Domestic Commerce that goes far beyond anything that these gentlemen desire to obtain in their tariff board, and it is well for the country to know it. It not only has the power to investigate the question of cost either here or abroad, the amount of imports and exports and American consumption, but when a great manufacturing institution is ready to threaten its laborers with a reduction of wages because they say there has been adverse action and legislation in Congress, or to reflect on the action of the Government of the United States, that bureau has the power to walk into their offices and ascertain whether there is real reason for their cutting the rates of wages of their labor or whether it is merely a selfish attempt to put money into their own pockets. [Applause on the Democratic side.]

The statement has been made that this tariff bill will act on labor and affect the wages of laboring men. I give you notice now that when the men from whom you bring that message endeavor to grind labor in the interest of Republican politics there is a bureau of this Government that is going to ascertain the reason why. [Applause on the Democratic side.]

Now, Mr. Speaker, if you were by your decision to open this bill to amendments that might indirectly relate to the subject matter of the bill and not directly relate to it, you would give the most severe blow to the opportunity of this Congress to legislate on revenue matters that was ever given to it. If this Congress can not bring in a bill that is confined to the subject matter of taxation, without being forced to go into the byways and the alleys of indiscriminate legislation, but must submit to have tied to it or be assaulted by any class of partisan legislation, discriminating legislation, or legislation that is intended to deflect public sentiment from the real issue before the people, if you are going to open the gates for that kind of consideration instead of the real subject matter of the bill, then any revenue bill that comes before this House will be in danger of being sandbagged before it can reach the date of its mature consideration. [Applause on the Democratic side.]

Mr. MURDOCK rose.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] is recognized for five minutes on the point of order.

Mr. MURDOCK. Mr. Speaker, the most miraculous thing that could happen at this moment would be for you to overrule the point of order of the gentleman from Alabama [Mr. UNDERWOOD]. [Laughter.]

It is my observation in this House that rulings from the Chair on great political questions are made up of three ingredients: First, the moss-grown precedents and practices of the House; second, the political necessities of the hour; and, third, some mysterious and ill-defined quality which is supposed to reside in the bosom of the Speaker which permits him to do just about as he pleases. [Laughter.]

I wish it were otherwise. I wish it were possible to offer a tariff commission to this bill. I wish it not because I am for the miserable makeshift of a commission offered by the gentleman from New York [applause and laughter]—for I am not—but in order that I might have an opportunity to offer my proposition for an efficient tariff board.

For days the gentleman from Illinois [Mr. MANN] has here reiterated his fidelity to the proposition of a tariff commission. Why? Because he remembers that when his party was in power, when it had the Speaker and the House, when it had the Senate and the President, when it could have given this country a tariff commission, it failed to give it. [Applause on the Democratic side.] The gentleman from Illinois is now grasping at straws, and technical straws at that. [Applause on the Democratic side.]

The gentleman from New York [Mr. PAYNE] and the gentleman from Illinois [Mr. MANN] accuse you Democrats of cow-

ardice. The gentleman from Illinois says, "Ah, four years ago we"—speaking for the Republican leadership—"were not afraid." They were not. Look at them now! [Laughter.]

The Speaker of the House said last night upon this floor that this tariff bill had been given more consideration than any tariff bill brought in for years by the Republican Party. That is true. [Applause on the Democratic side.] But he did not have to go very far to say that. [Laughter.] Four years ago almost to this hour the Republican leaders brought before this body a long omnibus tariff bill, and with it a rule, and the rule permitted this great body to reach only five items in the bill. Listen! Lumber, hides, barley, barley malt, and a single amendment on oil, which after a fight was finally put upon the free list, with the gentleman from Illinois [Mr. MANN] voting against the motion. [Laughter on the Democratic side.]

But with this bill what have you Democrats done? This bill is the creation of the Ways and Means Committee. It is not your work. This House has had nothing to do with this bill. It was brought out of the Ways and Means Committee into a Democratic caucus, where it was given perfunctory consideration, and only perfunctory consideration. Thence it was brought to this House with the brand of the Ways and Means Committee burned in its hide, and it has not been taken out since. You have in the course of two weeks gone through a sham battle here, with the gentleman from Illinois [Mr. MANN] rising every few minutes and reiterating his reestablished fidelity to a tariff commission. [Laughter.] The chairman of the Ways and Means Committee [Mr. UNDERWOOD] has allowed debate to run for a while, and then has cut it off, finally passing on serenely to the next item in the bill. You have not considered this bill. You could not consider this bill. No American Congress can consider an omnibus tariff bill. It is an outrage upon the American people to bring an omnibus tariff bill into Congress. The Democratic Party did it in the right way last year, by separate bills. There is only one way to revise the tariff, in justice to business.

The SPEAKER. The time of the gentleman has expired.

Mr. MURDOCK. Let me have two minutes more.

The SPEAKER. The gentleman is recognized for two minutes more.

Mr. DYER. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman from Missouri rise?

Mr. DYER. Did the gentleman ask unanimous consent?

The SPEAKER. He does not have to ask it. The Chair yields him the time.

Mr. DYER. I do not want to interrupt the gentleman speaking, but I want to know what is before the House.

Mr. MURDOCK. A point of order.

The SPEAKER. A point of order against this motion—to recommit.

Mr. DYER. I desire to state that I shall insist hereafter upon speeches being upon the point of order.

The SPEAKER. That is entirely within the discretion of the Chair.

Mr. MOORE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MOORE. I would like to know if the Chair would like to be further informed by the gentleman from Kansas on the point of order. [Laughter.]

The SPEAKER. That is exactly what the Chair gave him the few minutes for. [Laughter and applause.]

Mr. MURDOCK. Mr. Speaker, there is only one way to revise the tariff justly to business and to industry and to labor, and that is schedule by schedule, with deliberation, with a chance for consideration, and with separate votes on these schedules. [Applause.] That has never been the Republican way. Last year it was the Democratic way, but you have rejected it. To-day the only party in the country that proposes that sort of revision of the tariff is the Progressive Party, and that party will eventually win for this proposition. [Applause.]

The SPEAKER. The gentleman from Pennsylvania [Mr. BURKE] is recognized.

Mr. BURKE of Pennsylvania. Mr. Speaker, the gentleman from Kansas [Mr. MURDOCK] has just adverted to the fact that his experience here has led him to the conclusion that rulings by the Speaker have on many occasions been guided by expediency. One of the real genuine pleasant memories that I shall cherish when I retire from this body is that arising from the fact that two great Speakers under whom I have had the honor to serve have invariably, so far as my experience goes, been guided by a suggestion made by a great Speaker to me on an occasion when I was called upon to serve as Chairman of the

Committee of the Whole House on the state of the Union. He said, "My friend, when you recognize Members for debate you may strain a point, possibly, for your party; but when you rule on a parliamentary or constitutional question you never rule for party, but you always rule for posterity."

That has been the rule that has invariably marked the record of the present Speaker [applause], and that was the rule that marked his predecessor. [Applause.]

Now, as to the point of order pending before this House, the Speaker of the House in the conclusion of debate yesterday said that it took three elements to make a tariff bill—219 men in the House, 39 men in the Senate, and 1 man in the White House. Recognizing the three elements that are essential to the construction of a great revenue measure, to what particular provision in the bill does the motion submitted by the gentleman from New York [Mr. PAYNE] and so ably sustained by the gentleman from Illinois [Mr. MANN] refer?

Paragraph 8, page 216, does what? It directs that the President shall cause to be ascertained—not that the President shall ascertain, but he shall cause to be ascertained, evidently by other individuals and other agents—the volume of articles imported and exported into and from the United States. What articles? Articles enumerated in Section I of this bill. Section I covers 132 pages and runs from acid to zaffer. The whole range of articles used by man in the United States, for which we are legislating, is affected by the paragraph 8, and the paragraph imposes upon the President the authority and duty of ascertaining the volume and character of these articles imported and exported every year.

Now, manifestly, the President must invoke some agency in the exercise of this authority; and in doing so, has not the Congress of the United States the right, when it imposes upon him that duty, power, or right, to designate the character of the agency which he must designate under the circumstances to ascertain the facts in question?

There are three things done in this bill. You revise the rates governing the imports into this country; you revise the manner of administering the revenue law; and, third and finally, you go further and provide the method by which the tariff laws of the present shall be revised in the future, because you state in this paragraph the purpose of directing the President to ascertain these facts so that he may advise the Congress of these facts and his conclusions at a later date.

Manifestly you are not imposing upon the Chief Executive the duty of engaging in idle words or sending meaningless messages to this or another body. You are imposing upon him the discharge of the duty for the purpose of bringing about a correction of the abuses that may arise from the passage of this bill or other legislation now in existence. [Applause.]

Therefore the motion to recommit, when it designates the instrumentality through which that work shall be done, does no violence to the rule requiring amendments to be germane, but is in perfect accord with one of the main purposes of this bill, and therefore should be held in order. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I regret that the gentleman from Illinois [Mr. MANN] found it necessary to use harsh language toward this side of the House in discussing a technical question of order under the rules. If my recollection be correct, the most scared political party the United States ever knew was on the other side of the aisle in March, 1909, and there was little difference between the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] as to which of them was most frightened. The gentleman from Kansas [Mr. MURDOCK] will find before he has been acting in his present position long that the moss-grown precedents to which he refers are the most valuable assets in his category as a leader; and had it not been for them he could not have submitted to the House on the opening day of the Congress a motion which his side, or his aggregation, offered to recommit the rules with instructions to report them back with certain amendments. So that when he is more familiar with the philosophy and the history of the rules of the House he will be less likely to indulge in criticisms of the rules or of the motives actuating honorable men in enforcing and imposing the rules upon Members of the House.

Mr. Speaker, the pending question was elaborately argued the other day and decided by a distinguished parliamentarian in the Committee of the Whole House on the state of the Union. It speaks well for the temerity, if not for the discretion, of the gentlemen on that side that they expect the Speaker, after having read the previous arguments of the gentlemen and the decision of the Chair, to reverse the distinguished gentleman from Tennessee [Mr. GARRETT] who presided on that occasion. It would be as surprising as the statement of the gentleman from



Illinois [Mr. MANN] that that side of the House believes a complete revision of the tariff includes a provision for a tariff board. During the past 16 or 17 years the Republican Party has made two or three revisions of the tariff, and not until the dying days of their power did it occur to them that a tariff board might be of any service to them or to the country. The gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] occupied similar positions in that matter. Even the distinguished leader of the gentleman from Kansas during his seven years in the White House never suggested that the Congress or himself needed the help of a tariff board in revising the tariff, and his successor, whom he himself nominated and elected, did not awaken to the necessity until he realized the enormity of the Payne-Aldrich bill that had been foisted upon him.

The gentleman from Illinois [Mr. MANN] called attention to one decision which was not referred to in the previous discussion of this point of order in Committee of the Whole. In 1903 Mr. MANN made a point of order against the motion made by Mr. RICHARDSON of Alabama to recommit a bill providing for the creation of a Department of Commerce and Labor to the Committee on Interstate and Foreign Commerce, with instructions to divide the bill and report two separate bills creating two departments. The gentleman from Illinois made the point of order against the motion to recommit—

That it directs the Committee on Interstate and Foreign Commerce to report a bill creating a Department of Labor, which, under the rules of the House, can not be done by this committee [the Committee on Interstate and Foreign Commerce].

Then his present collaborator and able assistant, Mr. PAYNE, chimed in:

And besides it is not germane.

Mr. MANN, interrupting Mr. RICHARDSON of Tennessee, who was about to discuss the point of order, said:

I make the further point that a bill to create a Department of Labor is not germane as an amendment to the bill pending before the House.

The distinguished Speaker pro tempore at that time, Mr. Dalzell, held, first, that the House had the power, which has never been questioned, by motion to refer any bill to any committee, regardless of whether the rules conferred jurisdiction upon a particular committee over a particular subject, and the Speaker pro tempore added:

This is a bill creating a Department of Commerce and Labor. The proposition contained in the motion is to return this bill to that committee with instructions to separate the two branches of the subject, and to report instead of a measure for one department a measure for two departments, covering the same subjects as are now covered in the bill pending before the House. The Chair holds that the motion is germane.

Mr. Speaker, it is quite apparent that no such situation exists here. If there were a provision in this bill creating a tariff commission, and the gentleman moved to recommit, with instructions to segregate that from the other provisions of the bill, it would be in order. There are numerous decisions, to which it is not necessary to call attention, that motions to recommit with instructions can not prevail against a point of order if the instructions are such that if the motion were offered in the form of an amendment it could not prevail. The question to be determined is, Is this provision for the establishment of a tariff commission germane? The rulings distinctly lay down the proposition that if the proposed amendment or motion is upon a subject matter different from the subject matter in the bill it is not germane, and is not in order. The bill under consideration provides for the reduction of tariff duties and to provide revenue for the Government, and for other purposes.

There are many decisions where the words "other purposes" occur in the title of the bill. In such cases the Chair has examined the provisions of the bill to determine whether there was anything in the bill upon which the proposed motion or amendment could be hinged. And, without reviewing at length the provisions to which reference has been made, I think it is quite clear that nothing in this bill is of such a character that it can be said that the provision for a tariff board is not a separate, independent, and distinct matter from the provisions there. The other day attention was called to the fact that a number of decisions had been made in which the mere fact that subjects were related did not necessarily make them germane. Under the suggestion of the gentleman that the provision creating a tariff board is germane, it might be possible, in order to enable the President to carry out the duties imposed upon him by this bill, a new bureau might be created either in the Treasury Department or the Department of Commerce or the Department of State. No one would urge seriously that such an amendment would be in order if proposed to this bill. By the same reasoning the proposal to create an independent body apart from any one department, simply to assist the President,

is not so intimately related with the provisions of the bill as to make that in order. If the purpose of the gentlemen upon that side of the House, Mr. Speaker, be to relieve the present occupant of the White House from onerous duties, or burdens, or labors, or to prevent him from being overcome with the duties imposed, they may rest content in the knowledge that he is fully competent and able to discharge the duties that are and may be imposed upon him not only to the satisfaction of the Democratic Party but to the immediate and permanent welfare of the American people. [Loud applause on the Democratic side.]

Mr. SAUNDERS. Mr. Speaker, the very statement by the gentleman from Illinois of the purpose of the Payne amendment clearly shows that the same is not in order. This statement of purpose brings the proposed amendment within the operation of the principle announced by the Chairman of the Committee of the Whole, Mr. GARRETT. That principle briefly stated, is to the effect that in determining whether an amendment is germane, the Chair should look to the context of the same to determine its fundamental purpose and real intent, and if that intent so manifested, is not in furtherance of the fundamental purpose of the bill, but relates to a subject different from that under consideration, then the amendment is not germane, and is therefore out of order. It is an effort under color of amendment to bring before the House a new and different proposition, and is therefore obnoxious to section 7 of Rule XVI, and in addition to section 3 of Rule XXI that no amendment is in order to a bill affecting revenue which is not germane to the subject matter in the bill. Now the gentleman from Illinois [Mr. MANN] frankly avowed that this amendment would furnish the machinery to collect or collate an immense body of facts for use in future tariff legislation. It may well be that in the preparation of schedules in future tariff bills, the information collected by such a commission might be valuable, but this consideration does not suffice to make the proposed amendment in order.

This bill reduces tariff duties, and provides revenue for the Government. It is complete and final within itself. It is not concerned with affording information for another revision, nor does it admit by implication that such a revision is either likely, or necessary. When we look to section 3 of the amendment offered by the gentleman from New York, and scrutinize the inquiries empowered under that section, it will be perfectly apparent that not one of the facts collected, or results ascertained pursuant to its authority, will be of the slightest value as an aid to the President in the enforcement of the new tariff act. For instance, how will information relating to the operation of tariff laws in other countries, or to the effect of certain duties in those countries upon the cost of living, be of service to the President in the enforcement of the pending bill which is positive in its character, and fixes the duties, and rates to be paid on the subjects to which it relates? Yet in arguing this matter the gentlemen on the other side seem to be unable to avoid the discussion of questions of general power, or of a partisan character. The question for the determination of the Chair is purely one of proper parliamentary practice.

The gentleman from Pennsylvania [Mr. BURKE] contends that it is within the power of Congress to establish a commission to collect information for the preparation of future tariff bills, or for that matter for any purpose connected with legislation. Granted. But that is not the question presented for decision. The Chair is concerned to determine, not the general power of Congress to create such a commission, but whether an amendment providing this commission is in order on this bill. We are all agreed as to the general authority of Congress to provide machinery of this character by appropriate legislation, and the point of order does not challenge this authority. Congress has the right to provide and maintain a Navy, but a bill to that effect could not be engrafted on the pending legislation. Another gentleman seems to argue that an amendment creating a nonpartisan board to collect information that might be of aid to the President in the enforcement of this law would be in order, on the ground that the present machinery for collecting information for governmental purposes is of a partisan character. Concede that the latter charge is true.

How and in what way would this fact, even if it was to the discredit of the administration, serve to vitalize this amendment, and make it in order? The fact that information is collected by a partisan, or a nonpartisan, or a bipartisan board, has no sort of relation to the parliamentary status of the Payne amendment, and can not serve to render it germane, if it is not germane on other grounds. What sort of chop logic is this, that asks the occupant of the chair, to overrule the decision of the Chairman of the Committee of the Whole, on the ground in effect that this amendment will replace the inquiry of a



partisan department, with the inquiry of a nonpartisan board? I wish to call the attention of the Chair to one or two fundamental principles in connection with this point of order. The mere fact that the matter to which an amendment relates is in a way akin to, or of the same general character as the matter to which the bill relates, does not thereby render the amendment germane and in order. The fact that the amendment is the same kind of proposition, or is of the same class of legislation as the bill under consideration, does not, in a technical sense, render that amendment in order when offered to the bill.

It is true in a general sense that when the House has control of a general subject matter, amendments relating to that subject matter are in order. But it is a matter of technical inquiry and technical ascertainment, to determine what is the subject matter to which the bill is confined. For instance, a bill providing that a claim shall be referred to the Committee on Claims is not subject to an amendment providing that the claim shall be paid by the United States, although it is perfectly clear that both the bill and the amendment relate to the claim. (H., vol. 5, sec. 5850.) It is true that the amendment relates to the claim, but the bill provides for the disposition of that claim in a particular way. The claim and that disposition are the subject matter before the House. The amendment introduces new matter, in that it proposes to dispose of the claim in an entirely different fashion. Hence it is not germane. Other precedents may be cited. To a bill giving a committee power to investigate tariff subjects, an amendment commending tariff revision is not germane. (H., vol. 5, sec. 5853.) To a section dealing with duties on woolen cloth, an amendment putting wool on the free list is not in order. (Id., sec. 5854.) To a bill dealing with the tariff between this country and the Philippines, an amendment relating to the tariff between this and other countries of the world is not germane. (Id., sec. 5860.) To a proposition relating to the terms of Senators, an amendment changing their manner of election is not in order, though both the bill and the amendment relate to Senators. (Id., p. 338.)

To a bill transferring the care of the forest reserves to the Agriculture Department, an amendment relating to civil-service officials on the reserves was held to be out of order. (H., vol. 5, sec. 5868.) To a bill amending an existing law, as to one specific particular, an amendment relating to the terms of the law, rather than to those of the bill, held not to be germane. (H., vol. 5, sec. 5866.)

I might offer many additional precedents along this line, but will content myself with citing one made by the present occupant of the chair, to the effect that a bill prohibiting transportation in interstate commerce of messages relating to transactions in cotton futures, could not be amended by making the bill apply to messages relating to gambling transactions in other agricultural products, corn, or wheat for instance. The subject matter was messages of a gambling character, but the bill was limited to these messages as they related to one form of agricultural product, and the Speaker ruled that an amendment adding another agricultural product was not germane.

Mr. BURKE of Pennsylvania. Will the gentleman yield for a question?

Mr. SAUNDERS. I have not the time. I do not wish to be discourteous to the gentleman, but time presses, and I am anxious to conclude my remarks. The rule as to germaneness is a wholesome one. Under its operation one main subject can be considered decently and in order. It is intended to keep distinct the several matters of legislation.

I desire to call the attention of the Chair to an interesting decision made by a former occupant of the chair, showing the extent to which the fundamental intent is considered in the application of this rule. A bill was pending in the House providing for the construction of an interoceanic canal along the Nicaraguan route. To this bill an amendment was offered providing that the canal might be constructed across the Isthmus of Panama. According to the precedents which I have cited this amendment was apparently out of order, inasmuch as the subject matter of the bill seemed to be the construction of the canal along a designated route. Yet the amendment was allowed by the Chair, on the ground that the main and fundamental purpose of the bill was the construction of a canal between the two great oceans, and not the construction of an interoceanic canal along a particular route. Therefore, the amendment was held to be in order by reason of this fundamental intent.

Looking to the pending amendment, and to the bill before the House, they differ materially in the fundamental purpose. The one is designed to raise revenue, the other to collect information. This information is not primarily designed to be of aid in the administration of the bill, and if so designed would in the main be ineffective. The text of the amendment and the

frank declarations of the gentleman from Illinois in the statement of its purpose show that it is designed to be of service in future constructive legislation relating to tariff schedules. But it is no part of the purpose of this act to provide for future acts, and thus by implication concede that this act is insufficient, and likely to be soon replaced. We are concerned with the operation of this bill in its relation to the revenues which it is intended to provide, and not with devising machinery to collect information for a future legislative body. That may be done in a different way, and at another time. We are chiefly concerned with the effective operation of a law which relates to a vast variety of subjects, and is our final word to the country. It is not in aid of that bill to collect information by which a succeeding Congress will write another bill.

There is another body of precedents to which I wish to call the attention of the Chair, and which will be helpful in the determination of this point of order. When the House is considering bills from the Committee on Appropriations, many amendments known as limitations are offered to these measures. Frequently it is a difficult matter of nice technical discrimination, to determine whether an amendment is affirmative legislation or merely a limitation.

What is the ruling principle which the Chair follows in the determination of the character of these amendments? Looking to the amendment, he scrutinizes it to determine whether on the whole there is more of limitation, or of affirmation, in its content. If the element of limitation predominates, it is in order; but if on the whole it is considered to be legislation, rather than limitation, the decision is adverse, and it is excluded.

This principle and these precedents may be utilized in the determination of the question before the House. Looking to the main purpose of the bill, it is to raise revenue and provide the necessary administrative machinery to this end. Looking to the main intent of the amendment, it is designed to collect information for future legislation. The amendment of the gentleman from New York [Mr. PAYNE] seeks to introduce a new subject matter into the body of this bill, and one at variance with its manifest intent.

Mr. COOPER. Mr. Chairman, will the gentleman yield?

The SPEAKER. Does the gentleman from Virginia yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. SAUNDERS. I do not like to refuse to yield to my colleague, but I will say to the gentleman from Wisconsin that I have practically concluded my remarks.

The SPEAKER. The gentleman declines to yield.

Mr. COOPER. I just want to ask the gentleman a question.

Mr. SAUNDERS. So much, Mr. Speaker, for the purely parliamentary and technical side of this question. Just a word more to the gentlemen who charge that this bill has not been fully and fairly considered. I assert that no tariff bill was ever considered more fully and dispassionately, or under fairer conditions. Beginning with this year the Committee on Ways and Means have conducted the most elaborate hearings. After the hearings were concluded the committee considered the subject in detail, and formulated a bill which was submitted to the Democratic caucus. In that caucus it was considered for almost two weeks, with full opportunity for amendment, and free discussion. During its course through the caucus, the bill was amended in various particulars. On its next and final stage, it has been considered in Committee of the Whole, with every opportunity to the gentlemen on the Republican side to offer whatever amendments seemed good to them, and to speak on those amendments at vast length, and with much repetition of argument. It ill becomes these gentlemen, after this opportunity for full and free discussion and amendment, to say that this crowning work of a Democratic Congress is not the product of ample consideration and genuine deliberation. [Applause on the Democratic side.]

The SPEAKER. The Chair is ready to rule. [Applause on the Democratic side.]

I have given to this question thorough consideration. By the courtesy of the gentleman from New York [Mr. PAYNE] and of the gentleman from Illinois [Mr. MANN], I was, at my own request, furnished last Monday with a copy of this motion to recommit. I have put in the larger part of the time since then in investigating all the rules, parliamentary practices, statements, precedents, arguments, and decisions on the subject. In addition to that there has been somewhere in the neighborhood of four hours' debate yesterday and to-day upon this same point. I heard every word of it. I made it a point to do so. Nearly every parliamentarian in the House—at least everyone who wanted to participate in these discussions—did participate. Two luminous opinions were rendered on the same point by the Chairman of the Committee of the Whole House on the state of the Union, the gentleman from Tennessee [Mr. GAR-



RETT], so that if I err in rendering this opinion I will err only after the fullest consideration.

Before I go to the point of order I want to make one or two remarks. As the minority leader four years ago, the present occupant of the chair did offer the motion to recommit the Payne tariff bill, which has been read in part by the gentleman from Illinois [Mr. MANN]. I do not know how Mr. Speaker Cannon would have ruled if a point of order had been made, but my judgment is that if any gentleman had raised a point of order, the then Speaker would have ruled part of that motion out; and, of course, if part was not in order that would have rendered the entire motion out of order under the rules and precedents. The observation of the present occupant of the chair has been that gentlemen on the floor of the House—unless it be the gentleman from Illinois [Mr. MANN]—are not averse to playing a little politics once in a long while. [Laughter.]

The gentleman from Illinois [Mr. MANN] has presented every word that can be said in favor of the germaneness of this proposition. The Chair does not believe anybody can add to what has been said by the gentleman from Illinois. There is not a man in the House who knows better how to draw an amendment or motion to recommit that is in order than does the gentleman from Illinois. Yesterday he drew an amendment that was in order, providing "that in ascertaining the fair value of foreign goods, as specified in this paragraph, the Secretary of the Treasury shall be assisted by a nonpartisan tariff commission to be appointed by the President." That was the paragraph R, fourth section. It was voted down, because the House did not want it.

The statement of the case at bar, against the germaneness of which the gentleman from Alabama [Mr. UNDERWOOD] makes his point of order, is this: The tariff bill as reported from the Committee of the Whole House on the state of the Union is pending. The gentleman from New York offers a motion to recommit with instructions. The gentleman from Alabama [Mr. UNDERWOOD] makes the point of order that the motion contains matter not germane, and therefore is not in order. This motion to recommit contains five propositions—one for a tariff commission; No. 2, for the reformation or revision of Schedule K, the wool schedule; No. 3, for the revision of Schedule I, the cotton schedule; No. 4, for the revision of all the remaining schedules; No. 5, providing that specific duties shall be substituted for ad valorem duties wherever possible.

There seems to be no dispute about the germaneness of the last four propositions, and the entire controversy turns on the first one—that is, for the tariff commission.

The rules involved in this matter are, first, paragraph 7 of Rule XVI:

And no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

That rule has been in existence ever since 1822. The truth is, the substance of it antedates the Constitution.

The other rule involved is clause 3 of Rule XXI:

No amendment shall be in order to any bill affecting revenue which is not germane to the subject matter in the bill.

The other half of that paragraph is—

Nor shall any amendment to any item of such bill be in order which does not directly relate to the item to which the amendment is proposed.

That part of the rule is new, having been first adopted at the beginning of the Sixty-second Congress.

It is true, as stated by the gentleman from Illinois [Mr. MANN], that that last proposition was put in at least partly with reference to the scheme of revising the tariff schedule by schedule, but it is there nevertheless.

The subject matter of this tariff bill is the raising of revenue. The subject matter of the part of the motion to recommit which relates to the tariff commission is to gather information; or, to state it in other words, the purpose of the tariff bill is to get money, while the purpose of the tariff commission is to get information; and it seems to me that if the English language has any significance whatever the two propositions are different—that one is not germane to the other—and the truth is that the only kinship between these two propositions is that both contain the word "tariff."

I might rest this case right here, but I am not content to do so. I am going to cite the authorities on which this opinion rests, and will begin with one by Speaker Carlisle, found in section 5825, volume 5, Hinds' Precedents. I will not read it all, because it is too long, and part of it has nothing to do with this matter anyway. Mr. Speaker Carlisle said, and it is true—

It is not always easy to determine whether or not a proposed amendment relates to a subject different from that under consideration, within the meaning of the rule; and it is especially difficult to do so when, as in the present instance, the amendment may, by reason of the terms it employs, appear to have a remote relation to the original subject.

The case he was passing on was this: To a bill making deficiency appropriations for the Government Printing Office, among which was none relating to the salary of the Public Printer, an amendment legislating in relation to the selection of that officer was held to be not germane.

The deficiency bill contained a proposition to pay the Public Printer's subordinates, and an amendment was offered to change the way of selecting the Public Printer. That is what he had reference to. He says:

The subject to which the bill now under consideration relates is very clearly set forth in its title. It is "a bill making appropriations to supply certain deficiencies in the appropriations for the service of the Government for the fiscal year ending June 30, 1880, and for other purposes."

This tariff board or commission can not be let in under the phraseology "for other purposes" in the title of this bill, because the words "other purposes" in this bill mean the rest of the bill after you get through fixing the rates. Mr. Speaker Carlisle continued:

The appropriations "for other purposes" contained in the bill do not relate at all to any of the subjects embraced in the amendment, and therefore need not be noticed. The words "for other purposes" are used here, as they usually are, to embrace subjects outside the main subjects to which the bill relates, and which are reported by the committee itself.

The bill relates to no other subjects than appropriations of money for the purpose stated—

Just as this bill relates to nothing except raising money, and regulations pertaining to that—

"to supply deficiencies in the appropriations for the service of the Government." One of the deficiencies which the bill provides for is the Government Printing Office. But the bill carefully enumerates the items for which the appropriation is to be made, and the salary of the Public Printer is not among them.

And on that statement he ruled that the amendment was not germane. It may be well to state for the edification of the House that this elaborate opinion of Mr. Speaker Carlisle, one of the most elaborate in Hinds' Precedents, was not rendered offhand; but he had plenty of time to consider it—two or three days at least—and he evidently wrote it out and read it to the House.

Here is another decision in point. It is impossible to tell whether it was rendered by Mr. Speaker Carlisle or by Gov. James B. McCreary, of Kentucky. The Journal says one and the RECORD the other. It matters little, as both are eminent men, long members of the House. I will read the syllabus:

Section 5841, volume 5, Hinds' Precedents:

"To a bill relating to commerce between the States an amendment relating to commerce within the several States was offered and held not to be germane."

At first blush it might seem that, both the bill and the amendment being on the subject of commerce, the amendment was germane to the bill, but it was decided that it was not, and it was decided correctly.

Another precedent is found in section 5842, volume 5, of Hinds' Precedents:

To a bill relating to corporations engaged in interstate commerce an amendment relating to all corporations was held not to be germane. On February 7, 1903, the Committee of the Whole House on the state of the Union was considering the bill (H. R. 17) requiring all corporations engaged in interstate commerce to file returns with the Secretary of the Treasury, disclosing their true financial condition, and of their capital stock, and imposing a tax upon such as have outstanding capital stock unpaid in whole or in part.

Mr. HENRY D. CLAYTON, of Alabama, offered an amendment:

"SEC. —. There is hereby levied and shall be assessed and collected annually the following taxes on all corporations, whether domestic or foreign, doing business in the United States for profit or gain and having a capital stock of \$200,000 or more, at the rate of 10 per cent on its capital stock. The amount of the capital stock of any taxable corporation for the purposes of taxation shall be estimated according to its value fixed by the charter, or by resolution of its board of stockholders or directors, and shall include all assets owned by such corporation which are reserved or funded or set aside for the benefit of its stockholders."

Mr. Marlin E. Olmsted, of Pennsylvania, made a point of order that the amendment was not germane, saying:

"The original bill proposes a tax upon corporations engaged in interstate commerce having unpaid capital stock outstanding. This bill relates entirely to corporations engaged in interstate commerce and prohibits them from making unlawful discriminations or entering into unlawful or injurious combinations to control prices, etc. That is all right. It is also proper to control such corporations or trusts by way of taxation. But the gentleman from Alabama introduces an entirely new subject. This proposed amendment imposes a tax of 10 per cent on the entire capital stock of every corporation, big and little, in the United States, whether engaged in interstate commerce or not."

The Chairman, Mr. Henry Sherman Boutell, of Illinois, sustained Mr. Olmsted's point of order.

Another precedent is found in section 5853, volume 5, Hinds' Precedents:

To a proposition giving a committee power to investigate tariff subjects an amendment commending tariff revision was held not to be germane.

That is almost this case turned around. That was held out of order by Mr. Speaker Stevenson, of Virginia.



Section 5852, volume 5, of Hinds' Precedents states:

A revenue amendment is not germane to an appropriation bill.

Opinion rendered by Mr. Chairman Meade, of Virginia.

Then section 5854, volume 5, Hinds' Precedents, gives this precedent:

To a bill relating to the classification for customs purposes of worsted goods as woolens, an amendment relating to duties on wools and woolens and worsted cloths was held not to be germane.

An amendment was offered by Mr. W. C. P. Breckinridge, of Kentucky; the point of order was made against it by Gov. Dingley; and the decision was rendered by the Hon. Julius Caesar Burrows, subsequently Senator of the United States. An appeal was taken from the decision of the Chair holding it not germane, and the Chair was sustained by 74 to 36; and, incidentally, the Chair will say that the Committee of the Whole on yesterday was a very full committee and sustained two of the rulings of the Chairman of the Committee of the Whole [Mr. GARRETT of Tennessee] on this very point by large majorities.

I am now going to read an opinion by a gentleman who has served 29 years in the House of Representatives, and during all the 29 years has been a most eminent Member of this House, having been chairman of the Ways and Means Committee, the Hon. SERENO E. PAYNE, of New York, now "father of the House," the same distinguished gentleman who offers this motion to recommit.

Section 5850, in volume 5 of Hinds' Precedents, reads as follows:

To a bill authorizing the Court of Claims to adjudicate a claim, an amendment providing for paying the claim outright was held not to be germane.

On January 14, 1898, the House, in Committee of the Whole House, considering the bill (S. 629) to confer jurisdiction on the Court of Claims in the case of the Book Agents of the Methodist Episcopal Church South against the United States.

That was one of the most famous cases in the annals of Congress.

This bill directed that the claim, with the accompanying petitions and papers, should be referred to the Court of Claims; that the court should render judgment against the United States in favor of said corporation for whatever sum might be found due; that in the trial the affidavits on file before Congress should be admitted as competent evidence, etc.

To this bill Mr. S. B. Cooper, of Texas—

Now a member of the Board of General Appraisers of the New York customhouse—

proposed as an amendment, in the nature of a substitute, a bill authorizing and requiring the Secretary of the Treasury to pay the sum of \$288,000 in full satisfaction of the claim.

That is, Mr. Cooper was taking a short cut to get the money which that was introduced to get.

Mr. John Dalzell, of Pennsylvania, made the point of order that the Cooper amendment was not germane.

On January 21, after debate, the Chairman [the Hon. SERENO E. PAYNE, of New York] decided:

"Prior to the adoption of any rules upon the subject it was in order to offer any amendment to the bill, whether it was germane or not, by way of substituting another bill or by way of an amendment. In March, 1789, the House made a rule which changed general parliamentary law upon the subject, and that rule was in these words:

"No new motion or proposition shall be admitted under color of amendment as a substitute for the question or proposition under debate until it has been postponed or disagreed to."

"That simply went to the substitute and not to the amendment of the proposition; and I suppose that under that, until the adoption of a new rule by the House of Representatives, an amendment which was not in the nature of a substitute would have been in order. In 1822 the House adopted this rule:

"No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

"And that rule has been the rule of the House of Representatives from that day to this, and is now clause 7 of Rule XVI, under which this point of order is raised.

"The bill before the House is an act to confer jurisdiction on the Court of Claims in the case of the Book Agents of the Methodist Episcopal Church South against the United States, and the act provides not only to confer jurisdiction but gives the court authority to render judgment for any amount, and further provides that either party may appeal from the judgment that is so rendered. That is the whole scope of the bill which is now before the committee.

And to raise money or to get money is the whole scope of this bill now pending here to-day. I adopt the language of the gentleman from New York. He continued:

The substitute offered is, briefly, an appropriation of some \$288,000—the Chair does not recollect the precise amount—to be paid to the book agents of the Methodist Episcopal Church South. That is the whole scope of the substitute that is offered as an amendment.

And the whole scope of this tariff-commission proposition is to get information.

The question is whether, under the language of the rule, this is a proposition on a subject different from that under consideration. If it is, it can not be admitted as an amendment. If it is not, of course it would be in order as an amendment. \* \* \* There is one precedent that seems to bear almost exactly upon the case before the committee, and that was the precedent cited the other day by the gentleman from Maine, Mr. Dingley, in the Forty-eighth Congress. A bill was before the House restoring Gen. Pleasanton to the Army and putting him on the retired list, in order that he might draw the pay of a retired officer.

It might have been a bill entitled "for the relief of Gen. Pleasanton," but it was entitled a bill to restore him to the Army and place his name on the retired list.

When that bill was before the Committee of the Whole House the gentleman from New York, the late Mr. Cox—

And that is the Hon. Samuel Sullivan Cox, the first man who ever made a speech in this Hall, who was for eight years a Representative in the House from Ohio, and later for many years a Representative from New York City, and subsequently ambassador to Turkey—

an able parliamentarian, was in the chair. During the progress of the bill the gentleman from Indiana, the late Mr. Browne, offered an amendment striking out all after the enacting clause and authorizing the Secretary of the Interior to place his name on the pension list and pay him a pension at the rate of \$100 a month. That question was debated somewhat in Committee of the Whole, and the Chairman of the committee (Mr. Cox), the point of order having been raised by the late Mr. Bayne, of Pennsylvania—and the House will observe the controversy was between two Republicans, Mr. Browne and Mr. Bayne, while the Chairman was of opposite politics, so that it would seem that no politics could enter into that question at that time—the Chair stated that he felt compelled to sustain the point of order, as it changed the whole character of the bill.

That, of course, defeated the amendment in Committee of the Whole. The bill was finally reported to the House.

The decision then goes on to recite the rest of the history of the bill. The gentleman from New York [Mr. PAYNE] then sustained the point of order against the Cooper amendment.

The case that was cited by the gentleman from Illinois [Mr. MANN], as rendered by Mr. Dalzell, has nothing to do with this question, the Chair thinks. There was a controversy in the House from the very inception of the plan to establish the Department of Commerce and Labor as to whether there ought to be one department or two. The gentleman from Illinois [Mr. MANN] reported a bill putting the two things together in one department, and the gentleman from Tennessee [Mr. Richardson] moved to cut that department in two and make two out of it. Surely that is not a parallel case. If this proposition about a tariff commission were germane, then a proposition to abolish the customs courts would be germane.

A proposition to consolidate customs districts would be germane; a proposition to abolish the Bureau of Foreign and Domestic Commerce would be germane; or anything else that touched the tariff question in the remotest degree would be germane. A proposition to investigate the tariff rates established by Augustus Cæsar at Rome would be germane—one of the most perfect systems of getting money out of people by levying a tariff ever put into print.

Mr. MANN. If it was so perfect we ought to get the information.

The SPEAKER. The gentleman will find it in Gibbons's History of the Decline and Fall of the Roman Empire. You do not have to appoint a commission to get it, and the Chair will furnish the gentleman with a copy of it. [Applause on the Democratic side.]

Mr. MANN. I suggest the distinguished Speaker is the only Democrat in the House who has one.

The SPEAKER. That may be, but the Chair has it. In view of these decisions, which are only a few out of scores that could be cited on the same line, I decide that the tariff-commission proposition is not germane to the tariff bill, and consequently the point of order made by the gentleman from Alabama [Mr. UNDERWOOD] is sustained. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, I respectfully appeal from the decision of the Chair.

The SPEAKER. The gentleman from Illinois [Mr. MANN] appeals from the decision of the Chair.

Mr. UNDERWOOD. Mr. Speaker, I move to lay the appeal on the table.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves to lay the appeal on the table.

Mr. MANN. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. On that the gentleman from Illinois demands the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 275, nays 143, not voting 14, as follows:

YEAS—275.

|             |             |                |                |
|-------------|-------------|----------------|----------------|
| Abercrombie | Bartlett    | Brodbeck       | Byrns, Tenn.   |
| Adair       | Bathrick    | Brown, N. Y.   | Callaway       |
| Adamson     | Beakes      | Brown, W. Va.  | Candler, Miss. |
| Aiken       | Beall, Tex. | Bruckner       | Cantrill       |
| Alexander   | Bell, Ga.   | Brumbaugh      | Caraway        |
| Allen       | Blackmon    | Buchanan, Ill. | Carew          |
| Ashbrook    | Booher      | Buchanan, Tex. | Carlin         |
| Aswell      | Borchers    | Bulkley        | Carr           |
| Bailey      | Borland     | Burgess        | Carter         |
| Baker       | Bowdle      | Burke, Wis.    | Casey          |
| Barkley     | Bremner     | Burnett        | Church         |
| Barnhart    | Brockson    | Byrnes, S. C.  | Clancy         |



|                 |                  |                |                 |
|-----------------|------------------|----------------|-----------------|
| Clark, Fla.     | Gittins          | Lever          | Russell         |
| Claypool        | Glass            | Levy           | Sabath          |
| Clayton         | Godwin, N. C.    | Lewis, Md.     | Saunders        |
| Cline           | Goeke            | Lieb           | Scully          |
| Collier         | Goldfogle        | Linthicum      | Seldomridge     |
| Connelly, Kans. | Goodwin, Ark.    | Lloyd          | Shackelford     |
| Connolly, Iowa  | Gordon           | Lobeck         | Sharp           |
| Conry           | Gorman           | Logue          | Sherley         |
| Covington       | Goulden          | Loneragan      | Sherwood        |
| Cox             | Graham, Ill.     | McAndrews      | Sims            |
| Crisp           | Gray             | McClellan      | Sisson          |
| Crosser         | Gregg            | McCoy          | Slayden         |
| Cullop          | Griffin          | McGillicuddy   | Small           |
| Curley          | Gudger           | McKellar       | Smith, Md.      |
| Dale            | Hamill           | Maguire, Nebr. | Smith, N. Y.    |
| Davenport       | Hamlin           | Mahan          | Smith, Tex.     |
| Davis, W. Va.   | Hammond          | Maher          | Sparkman        |
| Decker          | Hardwick         | Metz           | Stanley         |
| Deltrick        | Hardy            | Mitchell       | Stephens, Miss. |
| Dent            | Harrison, Miss.  | Montague       | Stephens, Nebr. |
| Dershem         | Harrison, N. Y.  | Moon           | Stephens, Tex.  |
| Dickinson       | Hay              | Morgan, La.    | Stevens, N. H.  |
| Dies            | Hayden           | Morrison       | Stone           |
| Difenderfer     | Hedlin           | Murray, Mass.  | Stout           |
| Dixon           | Helm             | Murray, Okla.  | Stringer        |
| Donovan         | Helvering        | Neeley         | Sumners         |
| Dooling         | Henry            | O'Brien        | Taggart         |
| Doolittle       | Hensley          | Oglesby        | Talbott, Md.    |
| Doremus         | Hill             | O'Hair         | Talcott, N. Y.  |
| Doughton        | Hobson           | Oldfield       | Tavener         |
| Driscoll        | Holland          | O'Leary        | Taylor, Ala.    |
| Dupré           | Houston          | O'Shaunessy    | Taylor, Ark.    |
| Eagan           | Howard           | Padgett        | Taylor, Colo.   |
| Eagle           | Hughes, Ga.      | Page           | Taylor, N. Y.   |
| Edwards         | Hull             | Palmer         | Ten Eyck        |
| Elder           | Humphreys, Miss. | Patten, N. Y.  | Thomas          |
| Estopinal       | Igoe             | Pepper         | Thompson, Okla. |
| Evans           | Jacoway          | Peters         | Townsend        |
| Faison          | Johnson, Ky.     | Peterson       | Tribble         |
| Fergusson       | Johnson, S. C.   | Phelan         | Tuttle          |
| Ferris          | Jones            | Post           | Underhill       |
| Fields          | Keating          | Pou            | Underwood       |
| Finley          | Kennedy, Conn.   | Quin           | Vaughan         |
| Fitzgerald      | Kettner          | Ragsdale       | Walker          |
| FitzHenry       | Key, Ohio        | Ralney         | Walsh           |
| Flood, Va.      | Kindel           | Raker          | Watkins         |
| Floyd, Ark.     | Kinkad, N. J.    | Rauch          | Watson          |
| Fowler          | Kirkpatrick      | Rayburn        | Weaver          |
| Francis         | Kitchin          | Reed           | Whitacre        |
| Gallagher       | Konig            | Reilly, Conn.  | White           |
| Gard            | Konop            | Reilly, Wis.   | Williams        |
| Garner          | Korbly           | Richardson     | Wilson, Fla.    |
| Garrett, Tenn.  | Lazaro           | Riordan        | Wilson, N. Y.   |
| Garrett, Tex.   | Lee, Ga.         | Roddenbery     | Wingo           |
| Gerry           | Lee, Pa.         | Rothermel      | Witherspoon     |
| Gilmore         | L'Engle          | Rouse          | Young, Tex.     |
|                 | Leshner          | Ruby           |                 |

## NAYS—143.

|                 |                 |                |                 |
|-----------------|-----------------|----------------|-----------------|
| Ainey           | Frear           | Lafferty       | Roberts, Mass.  |
| Anderson        | French          | La Follette    | Roberts, Nev.   |
| Austin          | Gardner         | Langham        | Rogers          |
| Avis            | Gillett         | Langley        | Rupley          |
| Barchfeld       | Good            | Lenroot        | Scott           |
| Bartholdt       | Goodwin, Me.    | Lewis, Pa.     | Sells           |
| Barton          | Graham, Pa.     | Lindbergh      | Shreve          |
| Bell, Cal.      | Green, Iowa     | Lindquist      | Slinnott        |
| Britten         | Greene, Mass.   | McGuire, Okla. | Slemp           |
| Broussard       | Greene, Vt.     | McKenzie       | Sloan           |
| Browne, Wis.    | Griest          | McLaughlin     | Smith, Idaho    |
| Browning        | Guernsey        | Madden         | Smith, J. M. C. |
| Bryan           | Hamilton, Mich. | Mann           | Smith, Minn.    |
| Burke, Pa.      | Hamilton, N. Y. | Mapes          | Smith, Saml. W. |
| Burke, S. Dak.  | Haugen          | Martin         | Stafford        |
| Butler          | Hawley          | Merritt        | Steenerson      |
| Calder          | Hayes           | Miller         | Stevens, Cal.   |
| Campbell        | Helgesen        | Mondell        | Stevens, Minn.  |
| Cary            | Hinds           | Moore          | Sutherland      |
| Chandler, N. Y. | Hinebaugh       | Morgan, Okla.  | Switzer         |
| Cooper          | Howell          | Morin          | Temple          |
| Copley          | Hulings         | Moss, W. Va.   | Thomson, Ill.   |
| Cramton         | Humphrey, Wash. | Mott           | Towner          |
| Curry           | Johnson, Utah   | Murdock        | Treadway        |
| Danforth        | Johnson, Wash.  | Nolan, J. I.   | Vare            |
| Davis, Minn.    | Kahn            | Norton         | Volstead        |
| Dillon          | Keister         | Parker         | Wallin          |
| Dunn            | Kelly, Mich.    | Patton, Pa.    | Walters         |
| Dyer            | Kelly, Pa.      | Payne          | Willis          |
| Edmonds         | Kennedy, Iowa   | Platt          | Winslow         |
| Esch            | Kennedy, R. I.  | Plumley        | Woodruff        |
| Fairchild       | Kess, Pa.       | Porter         | Woods           |
| Falconer        | Kinkald, Nebr.  | Powers         | Young, Mich.    |
| Farr            | Knowland, J. R. | Prouty         | Young, N. Dak.  |
| Fess            | Kreider         |                |                 |
| Fordney         |                 |                |                 |

## NOT VOTING—14.

|          |                |            |         |
|----------|----------------|------------|---------|
| Ansberry | George         | Moss, Ind. | Thacher |
| Anthony  | Hoxworth       | Rucker     | Webb    |
| Baltz    | Hughes, W. Va. | Stedman    |         |
| Donohoe  | McDermott      | Sullivan   |         |

So the motion to lay the appeal from the decision of the Chair on the table was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. RUCKER (to table) with Mr. DONOHUE (against).

Mr. STEDMAN (to table) with Mr. ANTHONY (against).

Until further notice:

Mr. WEBB with Mr. HUGHES of West Virginia.

Mr. McDERMOTT. Mr. Speaker, I wish to vote.

The SPEAKER. Was the gentleman from Illinois in the Hall and listening?

Mr. McDERMOTT. I was out in the lobby when my name was called, and did not hear the bell ring. Had I been allowed to vote under the rules I would have voted "aye."

The SPEAKER. The gentleman does not bring himself within the rules if he was outside of the Chamber.

The result of the vote was announced as above recorded.

Mr. PAYNE. Mr. Speaker, I move to recommit the bill with the following instructions.

Mr. MURDOCK. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent to print this in the Record. It is precisely the same as the other, with the tariff-board proposition eliminated.

Mr. UNDERWOOD. All right; I have no objection.

Mr. MURDOCK. My parliamentary inquiry is this: At the beginning of the session to-day the Speaker said that motions would be taken from members of the Committee on Ways and Means who were opposed to the bill seriatim.

The SPEAKER. Yes.

Mr. MURDOCK. Now the gentleman from New York [Mr. PAYNE] offered a motion to recommit. It was declared out of order.

The SPEAKER. The Chair is aware of that; and therefore it was no motion at all.

Mr. MURDOCK. I wondered when the "seriatim business" was to begin. [Laughter.]

The SPEAKER. The "seriatim business" will begin when this motion is voted on if any other gentleman wants it. The Chair likes to be fair about these motions to recommit, because it is a very important privilege, and a Member can not tell always how the Chair is going to rule on his motion, or whether part of it is in order or part of it out of order. The gentleman from New York [Mr. PAYNE] is the leader of the Republicans on the subject of the tariff.

Mr. UNDERWOOD. I understand the gentleman from New York [Mr. PAYNE] asks unanimous consent, as the motion has already been printed before, that it be not read again. I want to hold the floor.

The SPEAKER. Is there objection to waiving the reading? [After a pause.] The Chair hears none.

Following is the motion to recommit submitted by Mr. PAYNE:

I move to recommit the bill (H. R. 3321) to reduce the tariff duties and to provide revenue for the Government, and for other purposes, to the Committee on Ways and Means, with directions to that committee to report back to the House as speedily as possible the said bill (H. R. 3321) so amended that it will provide—

First. For a revision of Schedule K, relating to wool and manufactures of wool, as follows, to wit:

1. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the two following classes:

2. Class 1, that is to say, merino, mestiza, metz, or metis wools, or other wools of merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, Egypt, Morocco, and elsewhere, and Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and all wools not hereinafter included in class 2, and also the hair of the camel, Angora goat, alpaca, and other like animals.

3. Class 2, that is to say, Donskol, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

4. The standard samples of all wools, which are now or may be hereafter deposited in the principal customhouses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other customhouses of the United States when they may be needed.

5. Whenever wools of class 2 shall have been improved by the admixture of merino or English blood, from their present character, as represented by the standard samples now or hereafter to be deposited in the principal customhouses of the United States, such improved wools shall be classified for duty as class 1.

6. If any bale or package of wool or hair specified in this act, invoiced or entered as of class 2, or claimed by the importer to be dutiable as of class 2, shall contain any wool or hair subject to the rate of duty of class 1, the whole bale or package shall be subject to the rate of duty chargeable on wool of class 1; and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

7. The duty on all wools and hair of class 1, if imported in the grease, shall be laid upon the basis of its clean content. The clean content shall be determined by scouring tests which shall be made according to regulations which the Secretary of the Treasury may prescribe.



The duty on all wools and hair of class 1 imported in the grease shall be 18 cents per pound on the clean content, as defined above. If imported scoured, the duty shall be 19 cents per pound.

8. The duty on all wools of class 2, including camel's hair of class 2, imported in their natural condition, shall be 7 cents per pound. If scoured, 19 cents per pound: *Provided*, That on consumption of wools of class 2, including camel's hair, in the manufacture of carpets, druggets and bookings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bed-sides, art squares, and portions of carpets or carpeting hereafter manufactured or produced in the United States in whole or in part from wools of class 2, including camel's hair, upon which duties have been paid there shall be allowed to the manufacturer or producer of such articles a drawback equal in amount to the duties paid less 1 per cent of such duties on the amount of the wools of class 2, including camel's hair of class 2, contained therein; such drawback shall be paid under such rules and regulations as the Secretary of the Treasury may prescribe.

9. The duty on wools on the skin shall be 2 cents less per pound than is imposed upon the clean content as provided for wools of class 1, and 1 cent less per pound than is imposed upon wools of class 2 imported in their natural condition, the quantity to be ascertained under such rules as the Secretary of the Treasury may prescribe.

10. Top waste and slubbing waste, 18 cents per pound.  
11. Roving waste and ring waste, 14 cents per pound.  
12. Nolls, carbonized, 14 cents per pound.  
13. Nolls, not carbonized, 11 cents per pound.  
14. Garnetted waste, 11 cents per pound.  
15. Thread waste, yarn waste, and wool wastes not specified, 9½ cents per pound.

16. Shoddy, mungo, and wool extract, 8 cents per pound.  
17. Woolen rags and flocks, 2 cents per pound.  
18. Combed wool or tops, made wholly or in part of wool, or camel's hair, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

19. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, but less advanced than yarn, not specially provided for in this section, 20 cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem.

20. On yarns, made wholly or in part of wool, valued at not more than 30 cents per pound, the duty shall be 21½ cents per pound on the wool contained therein, and in addition thereto 10 per cent ad valorem. Valued at more than 30 cents and not more than 50 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 15 per cent ad valorem.

Valued at more than 50 cents and not more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Valued at more than 80 cents per pound, 21½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

21. On cloths, knit fabrics, flannels, felts, and all fabrics of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem.

Valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

Valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

Valued at more than 80 cents and not more than \$1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

Valued at more than \$1 and not more than \$1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

Valued at more than \$1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

22. On blankets and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty shall be 23½ cents per pound on the wool contained therein, and in addition thereto 20 per cent ad valorem.

Valued at more than 40 cents and not more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 25 per cent ad valorem.

Valued at more than 50 cents per pound, 23½ cents per pound on the wool contained therein, and in addition thereto 30 per cent ad valorem. *Provided*, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

23. On ready-made clothing and articles of wearing apparel, knitted or woven, of every description, made up or manufactured wholly or in part and composed wholly or in part of wool, the rate of duty shall be as follows:

If valued at not more than 40 cents per pound, the duty shall be 25 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem.

If valued at more than 40 cents and not more than 60 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 40 per cent ad valorem.

If valued at more than 60 cents and not more than 80 cents per pound, 26 cents per pound on the wool contained therein, and in addition thereto 45 per cent ad valorem.

If valued at more than 80 cents and not more than \$1 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem.

If valued at more than \$1 and not more than \$1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

If valued at more than \$1.50 per pound, 26 cents per pound on the wool contained therein, and in addition thereto 60 per cent ad valorem.

24. On all manufactures of every description made wholly or in part of wool, not specially provided for in this section, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 50 per cent ad valorem: *Provided*, That if the component material of chief value in such manufactures is wood, paper, rubber, or any of the baser metals, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 35 per cent ad valorem, and if the component material of chief value in such manufactures is silk, fur, precious or semiprecious stones, or gold, silver, or platinum, the duty shall be 26 cents per pound on the wool contained therein, and in addition thereto 55 per cent ad valorem.

25. On hand-made Aubusson, Axminster, Oriental, and similar carpets and rugs, made wholly or in part of wool, the rate of duty shall be 50 per cent ad valorem; on all other carpets of every description, druggets and bookings, printed, colored, or otherwise, mats, rugs for floors, screens, covers, hassocks, bed-sides, art squares, and portions of carpets or carpeting, made wholly or in part of wool, the duty shall be 30 per cent ad valorem.

26. Whenever, in any schedule of this act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca, or other animal, whether manufactured by the woolen, worsted, felt, or any other process.

Second. For a revision of Schedule I, relating to cotton manufactures, which shall provide such classifications of, and such tariff rates upon, the articles enumerated therein as shall be equal, as to the articles produced in the United States, to the difference in cost of production in the United States and in foreign countries of the articles enumerated in accordance with the facts found by the Tariff Board in its report transmitted to Congress on the 26th day of March, 1912.

Third. For a revision of the remaining tariff schedules so as to provide tariff rates which shall be equal, as to the articles produced in the United States, to the estimated difference in cost of production in the United States and in foreign countries of the articles enumerated to the extent of reasonable protection of home industries.

Fourth. In revising said schedules the tariff rates shall be adjusted by specific duties on the units of quantity of each article so far as the same be practicable.

Mr. HARDWICK. A parliamentary inquiry, Mr. Speaker. If the gentleman from Alabama [Mr. UNDERWOOD] does not now insist on the previous question on a motion to recommit, the only effect will be simply that he will have the right to offer an amendment, but the debate will not be opened up?

Mr. MURDOCK. I offer this motion now.

The SPEAKER. The Chair did not understand the inquiry of the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDWICK. I wanted to inquire of the Chair whether, unless the gentleman from Alabama [Mr. UNDERWOOD] now moves the previous question on the motion of the gentleman from New York [Mr. PAYNE] to recommit with instructions, it would not be in order for the gentleman from Kansas [Mr. MURDOCK] to offer an amendment to that motion, although debate would not be in order under the previous question?

Mr. UNDERWOOD. The gentleman is right, Mr. Speaker.

The SPEAKER. Of course he is right.

Mr. UNDERWOOD. I withhold the motion, but I wish to make it and cut off any other motion to recommit.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] offers a motion to recommit, as a substitute to the motion offered by the gentleman from New York [Mr. PAYNE].

Mr. UNDERWOOD. Mr. Speaker, I move the previous question.

The SPEAKER. And the gentleman from Alabama [Mr. UNDERWOOD] moves the previous question.

Mr. MANN. But, Mr. Speaker—

Mr. PAYNE. Mr. Speaker, I think it ought to be read. There may be a point of order against it. I think the present motion should be read first.

The SPEAKER. The Clerk will report the substitute offered by the gentleman from Kansas [Mr. MURDOCK].

The Clerk read as follows:

By Mr. MURDOCK:

I move to recommit the bill (H. R. 3321) to reduce the tariff rates and to provide revenue for the Government, and for other purposes, to the Committee on Ways and Means with instructions to that committee to report back to the House at as early a date as practicable, for separate consideration, with record votes on each schedule and provision, the bill so amended that it will provide:

First. For a revision of the tax on incomes that will increase the rates on incomes above \$100,000.

Second. For a revision of Schedules I and K for separate consideration, with a record vote on each, which shall provide rates based, as far as may be, on the findings of the Tariff Board on wools and manufactures of wool in 1911 and on cotton manufactures in 1912, and adjusted, not on the prohibitive principle but on the protective principle, that conditions of competition between the United States and foreign countries be equalized, both for the manufacturer and the farmer, and that an adequate standard of living for the men and women in the industries affected by these schedules be provided and maintained; the measure so reported, if enacted, to remain the law only until Congress shall be able to enact measures based on the facts adduced by a nonpartisan, scientific tariff commission, with full power to develop all factors affecting the competitive strength of these industries.

Third. For a revision of the other schedules, for separate consideration, with a record vote on each, which shall provide rates based on data and estimates and as far as may be adjusted, not on the prohibitive principle, but on the protective principle of equalizing conditions of competition between the United States and foreign countries, both for the farmer and manufacturer, and of maintaining for labor an adequate standard of living; such schedules, if enacted, to remain the law only until Congress shall be able to enact measures based on the facts adduced by a nonpartisan tariff commission and with rates accurately and scientifically adjusted on the principle of protection defined herewith.

Mr. UNDERWOOD. Mr. Speaker, I move the previous question on the motion and the substitute.

The SPEAKER. The gentleman from Alabama [Mr. UNDERWOOD] moves the previous question on the motion to recommit offered by the gentleman from New York [Mr. PAYNE] and the



substitute offered by the gentleman from Kansas [Mr. MURDOCK].

The previous question was ordered.

The SPEAKER. The question is on agreeing to the Murdock substitute.

The question was taken; and pending the announcement of the result, Mr. MURDOCK demanded a division.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] demands a division.

The House divided; and there were—ayes 19, noes 225.

So the Murdock substitute was rejected.

Mr. MURDOCK. Mr. Speaker, I demand the yeas and nays; and, pending that, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. A gentleman informed me that the Speaker miscounted on the first vote. Is there any way to correct that?

Mr. HUMPHREY of Washington. By a roll call.

The SPEAKER. As a matter of fact, the Speaker counted one man in the affirmative whom he does not believe was on the affirmative side. [Laughter.] That gentleman was standing up in spite of all that the Speaker could do.

Mr. MURDOCK. I think the Speaker missed two gentlemen at the extreme right who were voting in favor of the proposition. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Kansas [Mr. MURDOCK] demands the yeas and nays. Those in favor of taking the vote by yeas and nays will rise and stand until they are counted. The Chair will count every gentleman standing up. If gentlemen do not want to be counted, they will take their seats. [After counting.] Forty-eight gentleman have arisen in the affirmative—not a sufficient number.

Mr. MURDOCK. The other side, Mr. Speaker.

The SPEAKER. The other side is demanded. Those who oppose the taking of the vote by yeas and nays will rise and stand until they are counted. [After counting.] Two hundred and sixty-four gentleman have voted in the negative. Forty-eight is not a sufficient number, and the yeas and nays are refused. The question is on the motion of the gentleman from New York [Mr. PAYNE] to recommit.

Mr. MANN. And on that, Mr. Speaker, I demand the yeas and nays.

The SPEAKER. And on that the gentleman from Illinois [Mr. MANN] demands the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Those in favor of the motion to recommit will, when their names are called, answer "yea"; those opposed will answer "nay." The Clerk will call the roll.

The question was taken; and there were—yeas 122, nays 295, answered "present" 1, not voting 14, as follows:

## YEAS—122.

|                |                 |                |                 |
|----------------|-----------------|----------------|-----------------|
| Ainey          | Frear           | Kreider        | Prouty          |
| Anderson       | French          | La Follette    | Roberts, Mass.  |
| Austin         | Gardner         | Langham        | Rogers          |
| Avis           | Gillett         | Langley        | Scott           |
| Barchfeld      | Good            | Lenroot        | Sells           |
| Bartoldt       | Goodwin, Me.    | Lindquist      | Shreve          |
| Barton         | Graham, Pa.     | McGuire, Okla. | Sinnott         |
| Britten        | Green, Iowa     | McKenzie       | Slimp           |
| Broussard      | Greene, Mass.   | McLaughlin     | Sloan           |
| Browne, Wis.   | Greene, Vt.     | Madden         | Smith, Idaho    |
| Browning       | Griest          | Manahan        | Smith, J. M. C. |
| Burke, Pa.     | Guernsey        | Mann           | Smith, Minn.    |
| Burke, S. Dak. | Hamilton, Mich. | Mapes          | Smith, Saml. W. |
| Butler         | Hamilton, N. Y. | Martin         | Stafford        |
| Calder         | Haugen          | Merritt        | Steenerson      |
| Campbell       | Hawley          | Miller         | Stevens, Minn.  |
| Cary           | Hayes           | Mondell        | Sutherland      |
| Cooper         | Helgesen        | Moore          | Switzer         |
| Cramton        | Hinds           | Morgan, Okla.  | Towner          |
| Curry          | Howell          | Moss, W. Va.   | Treadway        |
| Danforth       | Humphrey, Wash. | Mott           | Vare            |
| Davis, Minn.   | Johnson, Utah   | Nelson         | Volstead        |
| Dillon         | Johnson, Wash.  | Norton         | Wallin          |
| Dunn           | Kahn            | Parker         | Wilder          |
| Dyer           | Kelster         | Patton, Pa.    | Willis          |
| Edmonds        | Kelley, Mich.   | Payne          | Winslow         |
| Esch           | Kennedy, Iowa   | Platt          | Woods           |
| Fairchild      | Kennedy, R. I.  | Plumley        | Young, Mich.    |
| Farr           | Kless, Pa.      | Porter         | Young, N. Dak.  |
| Fess           | Kinkaid, Nebr.  | Powers         |                 |
| Fordney        | Knowland, J. R. |                |                 |

## NAYS—295.

|             |             |                |                 |
|-------------|-------------|----------------|-----------------|
| Abercrombie | Bathrick    | Brown, N. Y.   | Callaway        |
| Adair       | Beakes      | Brown, W. Va.  | Candler, Miss.  |
| Adamson     | Beall, Tex. | Bruckner       | Cantrill        |
| Alken       | Bell, Cal.  | Brunbaugh      | Caraway         |
| Alexander   | Bell, Ga.   | Bryan          | Carew           |
| Allen       | Blackmon    | Buchanan, Ill. | Carlin          |
| Ashbrook    | Boober      | Buchanan, Tex. | Carr            |
| Aswell      | Borchers    | Bulkey         | Carter          |
| Bailey      | Borland     | Burgess        | Casey           |
| Baker       | Bowdle      | Burke, Wis.    | Chandler, N. Y. |
| Barkley     | Bremner     | Burnett        | Church          |
| Barnhart    | Brookson    | Byrnes, S. C.  | Clancy          |
| Bartlett    | Brodbeck    | Byrns, Tenn.   | Clark, Fla.     |

|                 |                  |                |                 |
|-----------------|------------------|----------------|-----------------|
| Claypool        | Goldfogle        | Lieb           | Saunders        |
| Clayton         | Goodwin, Ark.    | Lindbergh      | Scully          |
| Cline           | Gordon           | Linthicum      | Seldomridge     |
| Collier         | Gorman           | Lloyd          | Shackelford     |
| Connelly, Kans. | Goulden          | Lobeck         | Sharp           |
| Connolly, Iowa  | Graham, Ill.     | Logue          | Sherley         |
| Conry           | Gray             | Loneragan      | Sherwood        |
| Covington       | Gregg            | McAndrews      | Sims            |
| Cox             | Griffin          | McClellan      | Sisson          |
| Crisp           | Gudger           | McCoy          | Slayden         |
| Crosser         | Hamill           | McDermott      | Small           |
| Cullop          | Hamlin           | McGillcuddy    | Smith, Md.      |
| Curley          | Hammond          | McKellar       | Smith, N. Y.    |
| Dale            | Hardwick         | Maguire, Nebr. | Smith, Tex.     |
| Davenport       | Hardy            | Mahan          | Sparkman        |
| Davis, W. Va.   | Harrison, Miss.  | Maher          | Stanley         |
| Decker          | Harrison, N. Y.  | Metz           | Stephens, Cal.  |
| Deitrick        | Hay              | Mitchell       | Stephens, Miss. |
| Dent            | Hayden           | Montague       | Stephens, Nebr. |
| Dershem         | Heflin           | Moon           | Stephens, Tex.  |
| Dickinson       | Helm             | Morgan, La.    | Stevens, N. H.  |
| Dies            | Helvering        | Morrison       | Stone           |
| Diffenderfer    | Henry            | Murdock        | Stout           |
| Dixon           | Hensley          | Murray, Mass.  | Stringer        |
| Donovan         | Hill             | Murray, Okla.  | Summers         |
| Doolling        | Hinebaugh        | Neeley         | Taggart         |
| Doollittle      | Hobson           | Nolan, J. I.   | Talbot, Md.     |
| Doremus         | Holland          | O'Brien        | Talcott, N. Y.  |
| Doughton        | Houston          | Oglesby        | Tavener         |
| Driscoll        | Howard           | O'Hair         | Taylor, Ala.    |
| Dupré           | Hughes, Ga.      | Oldfield       | Taylor, Ark.    |
| Eagan           | Hulings          | O'Leary        | Taylor, Colo.   |
| Eagle           | Hull             | O'Shaunessy    | Taylor, N. Y.   |
| Edwards         | Humphreys, Miss. | Padgett        | Temple          |
| Elder           | Igoe             | Page           | Ten Eyck        |
| Estopinal       | Jacoway          | Palmer         | Thacher         |
| Evans           | Johnson, Ky.     | Patten, N. Y.  | Thomas          |
| Faison          | Johnson, S. C.   | Pepper         | Thompson, Okla. |
| Falconer        | Jones            | Peters         | Thompson, Ill.  |
| Fergusson       | Keating          | Peterson       | Townsend        |
| Ferris          | Kelly, Pa.       | Phelan         | Tribble         |
| Fields          | Kennedy, Conn.   | Post           | Tuttle          |
| Finley          | Kent             | Pou            | Underhill       |
| Fitzgerald      | Kettner          | Quin           | Underwood       |
| FitzHenry       | Key, Ohio        | Ragsdale       | Vaughan         |
| Flood, Va.      | Kindel           | Rainey         | Walker          |
| Floyd, Ark.     | Kinhead, N. J.   | Raker          | Walsh           |
| Foster          | Kirkpatrick      | Rauch          | Walters         |
| Fowler          | Kitchin          | Rayburn        | Watkins         |
| Francis         | Konig            | Reed           | Watson          |
| Gallagher       | Konop            | Reilly, Conn.  | Weaver          |
| Gard            | Korby            | Reilly, Wis.   | Whitacre        |
| Garner          | Lafferty         | Richardson     | White           |
| Garrett, Tenn.  | Lazaro           | Riordan        | Williams        |
| Garrett, Tex.   | Lee, Ga.         | Roddenbery     | Wilson, Fla.    |
| Gerry           | Lee, Pa.         | Rothermel      | Wilson, N. Y.   |
| Gilmore         | L'Engle          | Rouse          | Wingo           |
| Gittins         | Leshner          | Rubey          | Witherspoon     |
| Glass           | Lever            | Rupley         | Woodruff        |
| Godwin, N. C.   | Levy             | Russell        | Young, Tex.     |
| Goeke           | Lewis, Pa.       | Sabath         |                 |

## ANSWERED "PRESENT"—1.

Copley

## NOT VOTING—14.

|          |                |               |          |
|----------|----------------|---------------|----------|
| Ansberry | George         | Moss, Ind.    | Sullivan |
| Anthony  | Hoxworth       | Roberts, Nev. | Webb     |
| Baltz    | Hughes, W. Va. | Rucker        |          |
| Donohoe  | Lewis, Md.     | Stedman       |          |

So the motion to recommit was rejected.

The Clerk announced the following additional pairs:

On this vote:

Mr. ANTHONY (to recommit) with Mr. STEDMAN (against).

Mr. DONOHOE (to recommit) with Mr. RUCKER (against).

Mr. ANSBERRY with Mr. ROBERTS of Nevada.

The result of the vote was announced as above recorded.

The SPEAKER. The motion to recommit is lost, and the question is, Shall the bill pass?

Mr. MANN. On that I demand the yeas and nays.

Mr. UNDERWOOD. I demand the yeas and nays.

The SPEAKER. Both the gentleman from Illinois [Mr. MANN] and the gentleman from Alabama [Mr. UNDERWOOD] demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 281, nays 139, answered "present" 1, not voting 12, as follows:

## YEAS—281.

|             |                |                 |               |
|-------------|----------------|-----------------|---------------|
| Abercrombie | Borchers       | Callaway        | Conry         |
| Adair       | Borland        | Candler, Miss.  | Covington     |
| Adamson     | Bowdle         | Cantrill        | Cox           |
| Aiken       | Bremner        | Caraway         | Crisp         |
| Alexander   | Brookson       | Carew           | Crosser       |
| Allen       | Brodbeck       | Carlin          | Cullop        |
| Ashbrook    | Brown, N. Y.   | Carr            | Curley        |
| Aswell      | Brown, W. Va.  | Carter          | Dale          |
| Bailey      | Bruckner       | Cary            | Davenport     |
| Baker       | Brunbaugh      | Casey           | Davis, W. Va. |
| Barkley     | Bryan          | Church          | Decker        |
| Barnhart    | Buchanan, Ill. | Clancy          | Deitrick      |
| Bartlett    | Buchanan, Tex. | Clark, Fla.     | Dent          |
| Bathrick    | Bulkey         | Claypool        | Dershem       |
| Beakes      | Burgess        | Clayton         | Dickinson     |
| Beall, Tex. | Burke, Wis.    | Cline           | Dies          |
| Bell, Ga.   | Burnett        | Collier         | Diffenderfer  |
| Blackmon    | Byrnes, S. C.  | Connolly, Kans. | Dixon         |
| Boober      | Byrns, Tenn.   | Connolly, Iowa  | Donovan       |



|                 |                  |               |                 |
|-----------------|------------------|---------------|-----------------|
| Doolling        | Hayden           | Maher         | Sisson          |
| Doollittle      | Hefflin          | Metz          | Slayden         |
| Doremus         | Helm             | Mitchell      | Small           |
| Doughton        | Helvering        | Montague      | Smith, Md.      |
| Driscoll        | Henry            | Moon          | Smith, Tex.     |
| Eagan           | Hensley          | Morrison      | Sparkman        |
| Eagle           | Hill             | Murray, Mass. | Starkford       |
| Edwards         | Hobson           | Murray, Okla. | Stanley         |
| Elder           | Holland          | Neeley        | Stephens, Miss. |
| Estopinal       | Houston          | Nolan, J. I.  | Stephens, Nebr. |
| Evans           | Howard           | O'Brien       | Stephens, Tex.  |
| Falson          | Hughes, Ga.      | Oglesby       | Stevens, N. H.  |
| Fergusson       | Hull             | O'Hair        | Stone           |
| Ferris          | Humphreys, Miss. | Oldfield      | Stout           |
| Fields          | Igoe             | O'Leary       | Stringer        |
| Finley          | Jacoway          | O'Shaunessy   | Summers         |
| Fitzgerald      | Johnson, Ky.     | Padgett       | Taggart         |
| FitzHenry       | Johnson, S. C.   | Page          | Talbott, Md.    |
| Flood, Va.      | Jones            | Palmer        | Talbot, N. Y.   |
| Floyd, Ark.     | Keating          | Patten, N. Y. | Tavener         |
| Foster          | Kelly, Pa.       | Pepper        | Taylor, Ala.    |
| Fowler          | Kennedy, Conn.   | Peters        | Taylor, Ark.    |
| Francis         | Kent             | Peterson      | Taylor, Colo.   |
| Gallagher       | Kettner          | Phelan        | Taylor, N. Y.   |
| Gard            | Key, Ohio        | Post          | Ten Eyck        |
| Garner          | Kindel           | Pou           | Thacher         |
| Garrett, Tenn.  | Kinkadee, N. J.  | Quin          | Thomas          |
| Garrett, Tex.   | Kirkpatrick      | Ragsdale      | Thompson, Okla. |
| Gerry           | Kitchin          | Raney         | Townsend        |
| Gilmore         | Konig            | Raker         | Tribble         |
| Gittins         | Konop            | Rauch         | Tuttle          |
| Glass           | Korby            | Rayburn       | Underhill       |
| Godwin, N. C.   | Lee, Ga.         | Reed          | Underwood       |
| Goeke           | Lee, Pa.         | Reilly, Conn. | Vaughan         |
| Goldfogle       | L'Engle          | Reilly, Wis.  | Walker          |
| Goodwin, Ark.   | Leshner          | Richardson    | Walsh           |
| Gordon          | Lever            | Riordan       | Watkins         |
| Gorman          | Levy             | Roddenbery    | Watson          |
| Goulden         | Lewis, Md.       | Rothermel     | Weaver          |
| Graham, Ill.    | Lieb             | Rouse         | Webb            |
| Gray            | Linthicum        | Rube          | Whitacre        |
| Gregg           | Lloyd            | Rupley        | White           |
| Griffin         | Lobeck           | Russell       | Williams        |
| Gudger          | Logue            | Sabath        | Wilson, Fla.    |
| Hamill          | Loneragan        | Saunders      | Wilson, N. Y.   |
| Hamlin          | McAndrews        | Scully        | Wingo           |
| Hammond         | McClellan        | Seldomridge   | Witherspoon     |
| Hardwick        | McCoy            | Shackelford   | Young, Tex.     |
| Hardy           | McDermott        | Sharp         | The Speaker     |
| Harrison, Miss. | McGillcuddy      | Sherley       |                 |
| Harrison, N. Y. | Maguire, Nebr.   | Sherwood      |                 |
| Hay             | Mahan            | Sims          |                 |

## NAYS—139.

|                 |                 |                |                 |
|-----------------|-----------------|----------------|-----------------|
| Ainey           | French          | Langham        | Roberts, Mass.  |
| Anderson        | Gardner         | Langley        | Roberts, Nev.   |
| Austin          | Gillett         | Lazaro         | Rogers          |
| Avis            | Good            | Lenroot        | Scott           |
| Barchfeld       | Goodwin, Me.    | Lewis, Pa.     | Sells           |
| Bartholdt       | Graham, Pa.     | Lindbergh      | Shreve          |
| Barton          | Green, Iowa     | Lindquist      | Sinnott         |
| Bell, Cal.      | Greene, Mass.   | McGuire, Okla. | Simp            |
| Britten         | Greene, Vt.     | McKenzie       | Sloan           |
| Broussard       | Griest          | McLaughlin     | Smith, Idaho    |
| Browne, Wis.    | Guernsey        | Madden         | Smith, J. M. C. |
| Browning        | Hamilton, Mich. | Manahan        | Smith, Minn.    |
| Burke, Pa.      | Hamilton, N. Y. | Mann           | Smith, N. Y.    |
| Burke, S. Dak.  | Haugen          | Mapes          | Smith, Saml. W. |
| Butler          | Hawley          | Martin         | Steenerson      |
| Calder          | Hayes           | Merritt        | Stephens, Cal.  |
| Campbell        | Helgesen        | Miller         | Stevens, Minn.  |
| Chandler, N. Y. | Hinds           | Mondell        | Sutherland      |
| Cooper          | Hinebaugh       | Moore          | Switzer         |
| Cramton         | Howell          | Morgan, La.    | Temple          |
| Curry           | Hullings        | Morgan, Okla.  | Thomson, Ill.   |
| Danforth        | Humphrey, Wash. | Morin          | Towne           |
| Davis, Minn.    | Johnson, Utah   | Moss, W. Va.   | Treadway        |
| Dillon          | Johnson, Wash.  | Mott           | Vare            |
| Dunn            | Kahn            | Murdock        | Volstead        |
| Dupré           | Keister         | Nelson         | Wallin          |
| Dyer            | Kelley, Mich.   | Norton         | Walters         |
| Edmonds         | Kennedy, Iowa   | Parker         | Wildner         |
| Esch            | Kennedy, R. I.  | Parton, Pa.    | Willis          |
| Fairchild       | Kless, Pa.      | Payne          | Winslow         |
| Falconer        | Kinkaid, Nebr.  | Platt          | Woodruff        |
| Farr            | Knowland, J. R. | Plumley        | Woods           |
| Fess            | Kreider         | Porter         | Young, Mich.    |
| Fordney         | Lafferty        | Powers         | Young, N. Dak.  |
| Frear           | La Follette     | Prouty         |                 |

## ANSWERED "PRESENT"—1.

Copley.

## NOT VOTING—12.

|          |          |                |          |
|----------|----------|----------------|----------|
| Ansberry | Donohoe  | Hughes, W. Va. | Rucker   |
| Anthony  | George   | McKellar       | Stedman  |
| Baltz    | Hoxworth | Moss, Ind.     | Sullivan |

So the bill was passed.

The following additional pairs were announced:

On this vote:

Mr. RUCKER (for the bill) with Mr. DONOHOE (against).

Mr. STEDMAN (for the bill) with Mr. ANTHONY (against).

The SPEAKER. The Clerk will call my name.

The Clerk called the name of Mr. CLARK of Missouri, and he voted "aye," as above recorded.

Mr. PADGETT. Mr. Speaker, I am informed that my colleague, Mr. MCKELLAR, has been called away on account of sickness, and I ask that he be excused on that account. He has

been in the House until a short time ago, when he was taken away very sick.

The SPEAKER. The gentleman from Tennessee asks that his colleague, Mr. MCKELLAR, be excused. Is there objection?

There was no objection.

The vote was then announced as above recorded. [Applause.]

On motion of Mr. UNDERWOOD, a motion to reconsider the vote by which the bill was passed was laid on the table.

The SPEAKER. The Chair desires to make a short statement. On the division on the Murdock substitute the Chair did his best to count fairly, as he always does. He counted 17 Members and announced it that way. It turns out that there are 19 men constituting the entire Progressive Party in the House, and the gentleman from Kansas [Mr. MURDOCK] furnishes me with a paper, signed by the 19, that they all voted. It is not as easy to count as people may think. For instance, if a Member walks away from the Speaker while a count is in progress the Speaker takes it for granted that, although he is standing up, he does not wish to be counted. If one is leaning over conversing with another man, it is difficult to say whether he is standing up to be counted or not. So if there is no objection the Chair will direct that the RECORD show 19 votes in favor of the proposition instead of 17.

Mr. MANN. Mr. Speaker, I shall not object, although I took the trouble to make the count while the Speaker was counting, and there were only 17 standing up.

Mr. MURDOCK. Mr. Speaker, I did not catch the remark of the gentleman from Illinois [Mr. MANN]. I understand that he said he counted those who stood and that there were only 17. As usual, he casts reflections on the word of men in this body. There were 19 men who said they were here and who said they voted.

The SPEAKER. The gentleman from Illinois [Mr. MANN] said he would not object, and that is the end of it. The reporter will change the 17 to 19, if there is no objection. [After a pause.] The Chair hears no objection.

## ASSAULT ON REPRESENTATIVE SIMS.

Mr. UNDERWOOD. Mr. Speaker, I am advised by the gentleman from West Virginia [Mr. DAVIS] that he will call up the Glover case to-morrow, and in order that it may be finished to-morrow I ask unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock.

The SPEAKER. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet to-morrow at 11 o'clock. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, may I ask the gentleman from Alabama this question: After the Glover case is disposed of to-morrow, what is likely to be the program of the majority of the House for the next few weeks?

Mr. UNDERWOOD. Mr. Speaker, I will say to the gentleman from Illinois that it is the purpose of the Committee on Ways and Means on the Democratic side to make up the committees for this side of the House. That will probably take until the 1st of June. In view of that fact I would like, if it is agreeable to the membership of the House, and as no further business can be transacted without committees, to enter into a unanimous-consent agreement, if we can, on both sides of the House, that after either to-morrow or Saturday—one or two little matters may come up to-morrow—the House may adjourn for three days at a time until the 1st of June, and that no business shall be transacted during that time, so that Members may go home.

Mr. MANN. Of course, there may be some little "chicken-feed" business.

Mr. UNDERWOOD. Yes; except unanimous-consent matters.

Mr. MANN. And of course nothing could be transacted in the absence of a quorum, and with such an understanding anyone who was here could stop the transaction of any business, because there would be no quorum present. That is perfectly satisfactory so far as I am personally concerned, and I think that meets the feelings of the Republican Members of the House.

Mr. BURKE of South Dakota. Mr. Speaker, I would like to ask the minority leader, as well as the majority leader, whether that would interfere with the sending of the Indian appropriation bill to conference, in case there was no objection to it.

Mr. MANN. I should say not.

Mr. UNDERWOOD. I should say not. Then, Mr. Speaker, as there is probably a larger attendance here now than there will be to-morrow or the next day, I ask unanimous consent that after Saturday next there shall be no business transacted until the 1st day of June, except some little matters that may possibly come up by unanimous consent, such as sending the Indian bill to conference, so that it will not be necessary to keep a quorum present, and that Members may go home.

Mr. MURDOCK. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama as to his purpose in the MacDonald-Young contested-election case.

Mr. UNDERWOOD. Mr. Speaker, I would say that I expect by the 1st of June to have the Democratic members of the committee selected, prepared to submit to the Democratic caucus, and if the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] are prepared to furnish the names of their members of that committee at that time, the committee will be elected immediately afterwards, so that it may consider the case.

Mr. MURDOCK. I will say to the gentleman from Alabama that that is the case we want to get up as soon as possible.

Mr. UNDERWOOD. I think there is no disposition on this side of the House to delay a speedy hearing.

The SPEAKER. There are two requests pending. The gentleman from Alabama asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The second request is that, after Saturday next and until the 1st of June, there shall be no business transacted except small matters of unanimous consent—

Mr. MANN. Mr. Speaker, I take it that that is only a gentleman's agreement. There can be no order entered in the House in reference to it.

The SPEAKER. The intention, of course, is to adjourn three days at a time.

Mr. UNDERWOOD. I think that is the understanding. Nobody has objected.

Mr. HENRY. Mr. Speaker, I desire to submit an inquiry to the gentleman from Alabama which he will understand. Suppose the Committee on Rules should report a proposition to be submitted to the House on Saturday next—a matter of legislation—would this agreement interfere with that matter being considered?

Mr. UNDERWOOD. Not on Saturday, but on the following Monday. My idea is that the Membership of the House could stay here Saturday if necessary. Mr. Speaker, as I understand the agreement, it would not interfere with any emergency appropriation bill that might come in.

Mr. MANN. Well, the Speaker put that request.

The SPEAKER. The request has never been agreed to.

Mr. MANN. I did not understand the request is to be put to the House. I understand it is an understanding that will undoubtedly, having now been stated, prevent the House from having a quorum at any time, so that if any gentleman desires to prevent business it is a very easy matter for him to do. All he has got to do is to say "Mr. Speaker, I make the point of order that there is no quorum present."

Mr. COOPER. Do I understand from the remark of the gentleman from Illinois that it will be possible, unless somebody got up and said they objected, to transact business between now and the 1st of June?

Mr. MANN. It would be theoretically possible, of course, but—

Mr. COOPER. I do not think it ought to be theoretically possible; it ought to be absolutely impossible, and I think there ought to be a distinct understanding that no business should be transacted.

The SPEAKER. That is all that can be done.

Mr. MANN. I will say to the gentleman from Wisconsin no unanimous-consent agreement entered into by the House could prevent the House or Members of the House the next day from rescinding it by unanimous consent.

Mr. COOPER. Then I think it would be a great deal safer to recess until the 1st of June.

The SPEAKER. The trouble is we can not recess until the 1st of June—

Mr. COOPER. We could do so with the consent of the Senate, I think.

The SPEAKER. The Chair knows with the consent of the Senate you can.

Mr. MANN. We have never had any difficulty about this before.

Mr. COOPER. The reason I spoke of this is because last summer during the national convention at Baltimore and the other one at Chicago there was quite a long time when supposedly no business of importance would be transacted, and there was some quite important business transacted, and there were a very small number of people here.

Mr. UNDERWOOD. I do not recall any agreement having been made in the House at that time.

Mr. MANN. The gentleman from Wisconsin will recall at that time there was an agreement in the House that no business should be transacted during the Democratic convention

in Baltimore, and there was no business transacted. The House was over there, or rather a large share of it, and the rest were somewhere else, but during the time of the convention in Chicago the sundry civil appropriation bill was under consideration, but there was no agreement not to transact business because, as a matter of fact, everybody was pushing the sundry civil appropriation bill.

Mr. COOPER. It is my recollection there was some business of importance transacted.

The SPEAKER. Is there objection to the request of the gentleman from Alabama for unanimous consent that after Saturday until the 1st day of June there shall be no business transacted in the House except such things as referring bills to a committee or such little matters to which everybody would be agreeable?

Mr. COOPER. Will that include the adoption of a conference report?

Mr. UNDERWOOD. Mr. Speaker, I withdraw the request, and if the gentleman from Illinois [Mr. MANN] and the gentleman from Kansas [Mr. MURDOCK] understand the proposition and will cooperate with me we will try to carry it out. [Applause.]

#### CLERK TO JOINT SELECT COMMITTEE ON DISPOSITION OF USELESS EXECUTIVE PAPERS.

Mr. LLOYD. Mr. Chairman, I present the following privileged resolution.

The Clerk read as follows:

House resolution 86 (H. Rept. 13).

*Resolved*, That the chairman of the Joint Select Committee on Disposition of Useless Executive Papers be, and he is hereby, authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of \$6 per day for this session.

The committee amendment was read, as follows:

In line 5, after the word "day," insert "from the 2d day of May, 1913, and during the remainder of," so that it will read: "who shall be paid out of the contingent fund of the House at the rate of \$6 per day from the 2d day of May, 1913, and during the remainder of this session."

Mr. MANN. This is the employee for the Talbott committee.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The resolution as amended was agreed to.

#### MESSANGER TO JOINT SELECT COMMITTEE ON DISPOSITION OF USELESS EXECUTIVE PAPERS.

Mr. LLOYD. Mr. Speaker, I desire to offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 85 (H. Rept. 15).

*Resolved*, That the chairman of the Joint Select Committee on Disposition of Useless Executive Papers be, and he is hereby, authorized to appoint a messenger to said committee, who shall be paid out of the contingent fund of the House at the rate of \$60 per month for this session.

Also the following committee amendments were read:

Line 5, after the word "month," insert "from the 2d day of May, 1913, and during the remainder of."

Line 5, after the word "month," strike out the word "for."

The SPEAKER. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The resolution as amended was agreed to.

MARY C. ADAMS.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 87 (H. Rept. 12).

*Resolved*, That the Clerk of the House be, and he is hereby, authorized to pay to Mary C. Adams, out of the contingent fund of the House, the sum of \$60, said amount being compensation for 24 days' salary, from April 7 to April 30, 1913, both days inclusive, as attendant in the ladies' reception room of the House.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

MARIE SMITH, HALLIE VIERBUCHEN, AND LOUISE MORGAN.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution.

The SPEAKER. The gentleman from Missouri offers a resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 81 (H. Rept. 11).

*Resolved*, That there be paid, out of the contingent fund of the House, to Marie Smith, Hallie Vierbuchen, and Louise Morgan \$7.50 each for



services as telephone operators for first three days of April, 1911; and that Hallie Vierbuchen, Louise Morgan, and Jennie White be paid \$15 each for services as telephone operators for the first six days of April, 1913.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

#### COMMITTEE ON THE MERCHANT MARINE AND FISHERIES.

Mr. LLOYD. Mr. Speaker, I also offer the following resolution.

The SPEAKER. The gentleman from Missouri also offers the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 84 (H. Rept. 14).

*Resolved*, That after March 4, 1913, those members of the Committee on the Merchant Marine and Fisheries who are Members elect of the House of Representatives, Sixty-third Congress, or a majority of them, until the appointment of the Committee on the Merchant Marine and Fisheries, are authorized to expend for the purposes stated, and under the conditions stipulated in House resolution 587, adopted June 18, 1912, out of the contingent fund of the House of Representatives, a sum not exceeding the balance unexpended after March 4, 1913, of the whole amount authorized to be expended on said resolution.

Also the following committee amendment was read:

Line 3, after the word "Fisheries," insert the words "of the Sixty-second Congress."

The SPEAKER. The question is on agreeing to the committee amendment.

Mr. MANN. Mr. Speaker, I would ask the gentleman to make an explanation of what this is.

Mr. LLOYD. Mr. Speaker, this resolution authorizes the Committee on the Merchant Marine and Fisheries, which was authorized during the last session of Congress to make certain investigations by House resolution, to discharge this work of investigation and continue it and pay the employees that may have been employed under that resolution since the 4th day of March.

Mr. MANN. How could there be any employees employed since? Did they have authority to go ahead after the 4th of March?

Mr. ALEXANDER. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois [Mr. MANN] yield to the gentleman from Missouri [Mr. ALEXANDER]?

Mr. MANN. Certainly.

Mr. ALEXANDER. The Committee on the Merchant Marine and Fisheries completed the public hearings on or about the 1st day of March. They had in their employ Dr. S. S. Huebner as expert, and a stenographer, who is assisting him. I asked Dr. Huebner to go ahead and revise the hearings and index them ready for publication, and also revise the diplomatic and consular reports and index them also for publication, and continue the work under my direction until the committee should be appointed. The public hearings ended, as stated, about March 1, and it would have very much interfered with our work to have dropped it at that stage. Under the resolution (H. Res. 587) of the House the committee were investigating the so-called Shipping Trust. We have expended, I will say, about \$12,000 in the investigation altogether.

Mr. MANN. How much does this further authorize the committee to expend?

Mr. ALEXANDER. The appropriation was \$25,000.

Mr. MANN. Now, as I understand, the amendment proposed is to make it apply to the members of the Committee on the Merchant Marine and Fisheries in the last Congress and who were reelected to this Congress. Is that right?

Mr. LLOYD. Yes, sir.

Mr. MANN. Yet, in the course of a few days we will have a new Committee on the Merchant Marine and Fisheries, who will have no money in their control, and these old members, who still remain, will have \$13,000?

Mr. LLOYD. The Committee on the Merchant Marine and Fisheries will then take up the work and will have control over the fund.

Mr. MANN. When do they get the authority? When you have turned the money over to somebody else?

Mr. LLOYD. The members of the committee elect to this Congress are only authorized to spend the money up to the time the Committee on the Merchant Marine and Fisheries is selected.

Mr. MANN. I did not so understand it.

Mr. ALEXANDER. That is simply for the purpose of continuing the work.

Mr. MANN. Is that what this resolution provides?

Mr. LLOYD. Yes; this just provides for the time between the 4th day of March and the time when the Committee on the Merchant Marine and Fisheries may be appointed. The gentle-

man will remember, perhaps, that in the general deficiency appropriation bill two or three committees were authorized to make expenditures just as this committee has done, but they failed to include the Committee on the Merchant Marine and Fisheries.

Mr. BARTLETT. Permit me to say, Mr. Speaker, that we were not asked to do it.

Mr. MANN. I know that a good many of the committees were authorized to spend money for investigations in the last Congress, but I have seen nothing come out of them that amounts to anything.

Mr. MARTIN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Missouri [Mr. LLOYD] yield to the gentleman from South Dakota [Mr. MARTIN]?

Mr. LLOYD. Yes.

Mr. MARTIN. Does the pending resolution in its terms limit the authorization to the time of the appointment of the new committee?

Mr. ALEXANDER. Yes.

Mr. LLOYD. That is it.

Mr. MARTIN. I did not quite catch it when it was read.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The resolution as amended was agreed to.

#### LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. Hoxworth, on account of sickness.

#### LEAVE TO WITHDRAW PAPERS—ALLEN M. HILLER.

By unanimous consent, at the request of Mr. Moore, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Allen M. Hiller (H. R. 26804), Sixty-second Congress, no adverse report having been made thereon.

#### ADJOURNMENT.

Mr. UNDERWOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 32 minutes p. m.) the House adjourned, pursuant to the order previously made, until to-morrow, Friday, May 9, 1913, at 11 o'clock a. m.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Pensions was discharged from the consideration of the bill (H. R. 3695) granting an increase of pension to Amelia Walker, and the same was referred to the Committee on Invalid Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. MADDEN: A bill (H. R. 4896) to create in the War Department and the Navy Department, respectively, a roll designated as "the Civil War volunteer officers' retired list," to authorize placing thereon with retired pay certain surviving officers who served in the Army, Navy, or Marine Corps of the United States in the Civil War, and for other purposes; to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 4897) to provide that petty officers, noncommissioned officers, and enlisted men of the United States Army on the retired list who had creditable Civil War service shall receive the rank or rating and the pay of the next higher enlisted grade; to the Committee on Military Affairs.

Also, a bill (H. R. 4898) to provide for voluntary admissions to the Government Hospital for the Insane, and for other purposes; to the Committee on the District of Columbia.

By Mr. TUTTLE: A bill (H. R. 4899) to fix the standard barrel for fruits, vegetables, and other dry commodities; to the Committee on Coinage, Weights, and Measures.

By Mr. FESS: A bill (H. R. 4900) for the erection of a monument to Gen. Ulysses S. Grant at Georgetown, Ohio; to the Committee on the Library.

By Mr. VARE: A bill (H. R. 4901) establishing a minimum wage and a minimum age for all Government employees; to the Committee on Labor.

By Mr. CARTER: Resolution (H. Res. 96) authorizing the House Committee on Labor to make an investigation of conditions in the Paint Creek district, West Virginia; to the Committee on Rules.

By Mr. CLAYTON: Resolution (H. Res. 97) providing for the consideration of H. R. 32 and S. 577, etc.; to the Committee on Rules.

By Mr. THACHER: Memorial of the Legislature of Massachusetts, against releasing Federal control of national forests; to the Committee on Agriculture.

#### PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BUTLER: A bill (H. R. 4902) for the relief of Allen M. Hiller; to the Committee on Military Affairs.

By Mr. BYRNS of Tennessee: A bill (H. R. 4903) for the relief of the deacons of the Gethsemane Baptist Church of Davidson County, Tenn.; to the Committee on War Claims.

By Mr. CALDER: A bill (H. R. 4904) for the relief of Mary McCullough; to the Committee on Claims.

By Mr. KEY of Ohio: A bill (H. R. 4905) granting a pension to Charles Woesner; to the Committee on Pensions.

Also, a bill (H. R. 4906) granting an increase of pension to Frank E. Schoener; to the Committee on Pensions.

Also, a bill (H. R. 4907) granting an increase of pension to Jacob Teal; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4908) granting an increase of pension to John Herndon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4909) granting an increase of pension to Joseph W. Watt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4910) granting an increase of pension to Emma E. Kanzleiter; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4911) granting an increase of pension to George Kross; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4912) granting an increase of pension to Robert W. Irvine; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4913) granting an increase of pension to George W. Owens; to the Committee on Invalid Pensions.

By Mr. KIESS of Pennsylvania: A bill (H. R. 4914) granting a pension to Paulina L. Klepper; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4915) granting a pension to Hannah L. Carson; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4916) granting a pension to Sarah E. Hendricks; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4917) granting a pension to Frances R. Gray; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4918) granting an increase of pension to Daniel Robb; to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 4919) granting a pension to Freelin Taylor; to the Committee on Pensions.

Also, a bill (H. R. 4920) granting a pension to Frank P. Collins; to the Committee on Pensions.

Also, a bill (H. R. 4921) granting a pension to Orville Fox; to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 4922) granting a pension to Anna L. Yachmann; to the Committee on Invalid Pensions.

Also, a bill (H. R. 4923) granting an increase of pension to John H. Weaver; to the Committee on Invalid Pensions.

By Mr. REILLY of Connecticut: A bill (H. R. 4924) to remove the charge of desertion against William V. Molloy; to the Committee on Military Affairs.

By Mr. THACHER: A bill (H. R. 4925) for the relief of E. W. Rohmeling; to the Committee on Claims.

By Mr. TREADWAY: A bill (H. R. 4926) granting an increase of pension to Sarah J. Winters; to the Committee on Invalid Pensions.

By Mr. TUTTLE: A bill (H. R. 4927) for the relief of Isador Miller; to the Committee on Claims.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Petition of D. H. Kelly, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also (by request), petition of the New York and New Jersey Live Stock Exchange, Jersey City, N. J., favoring admitting live stock free of duty; to the Committee on Ways and Means.

By Mr. DALE: Petition of Abe Weinstein, Brooklyn, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Illinois Manufacturers' Association, Chicago, Ill., relative to the reductions in the dutiable list and the additions to the free list in House bill 3321; to the Committee on Ways and Means.

By Mr. DICKINSON: Petition of C. A. Croome and others, of Clinton, Mo., protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. DYER: Petition of A. L. Dyke, St. Louis, Mo., protesting against the assessment of a fee for all protests against assessment of the collector of customs; to the Committee on Ways and Means.

Also, petition of the Lumbermen's Club of St. Louis, Mo., protesting against the passage of legislation abolishing the Commerce Court; to the Committee on Appropriations.

Also, petition of Whitelaw Bros., St. Louis, Mo., protesting against the reduction of the duty on sugar; to the Committee on Ways and Means.

Also, petition of the Hess & Culberson Jewelry Co., St. Louis, Mo., protesting against any change in the duty on diamonds; to the Committee on Ways and Means.

Also, petition of J. A. Gillespie, St. Louis, Mo., protesting against any reduction of the tariff on collars; to the Committee on Ways and Means.

Also, petition of the Ravarino & Freschi Grocery Co. and the Rosen-Reichardt Brokerage Co., of St. Louis, Mo., protesting against the assessment of a fee for all protests against assessments of duty by the collector of customs; to the Committee on Ways and Means.

Also, petition of Charles A. Unger, St. Louis, Mo., protesting against any change in the duty on books bound in the United States; to the Committee on Ways and Means.

Also, petition of the American Home Building and Loan Association, St. Louis, Mo., asking that building and loan associations be exempted from the payment of the income tax; to the Committee on Ways and Means.

Also, petition of the Tenth Ward Improvement Association, St. Louis, Mo., favoring the passage of legislation for immediate consideration of adequate provisions for flood control, etc.; to the Committee on Rivers and Harbors.

Also, petition of William D. Tulley and 3 other citizens of St. Louis, Mo., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

By Mr. ESCH: Petition of the New York and New Jersey Live Stock Exchange, of Jersey City, N. J., against placing meats on the free list and taxing live stock; to the Committee on Ways and Means.

By Mr. FITZGERALD: Petition of the Navy League of the United States, favoring legislation providing for a council of national defense; to the Committee on Naval Affairs.

By Mr. GOLDFOGLE: Petition of the Felt Hat Manufacturers' Tariff Committee, relative to paragraph No. 446, Schedule N, of the tariff bill; to the Committee on Ways and Means.

Also, petition of Max Glasberg, of New York, protesting against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Ludlow Manufacturing Associates, of Boston, Mass., against reduction of the duty on jute goods; to the Committee on Ways and Means.

Also, petitions of sundry citizens of New York, N. Y., against free cigars from the Philippine Islands; to the Committee on Ways and Means.

Also, petition of the International Brick, Tile, and Terra Cotta Workers' Alliance, of Chicago, Ill., against reduction of the duty on floor and wall tile; to the Committee on Ways and Means.

Also, petition of the Rocky Mountain Ore Producers, Salt Lake City, Utah, protesting against any change in the duty on lead in ores; to the Committee on Ways and Means.

Also, petition of Aron Wein and Dave Tux, of New York, N. Y., protesting against the removal of the duty on Philippine tobacco and cigars; to the Committee on Ways and Means.

By Mr. HOWELL: Petition of N. G. Stringham, H. E. Hatch, and others, of Utah, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. LEVY: Petition of Roger H. Williams, New York, protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

Also, petition of E. A. G. Intemann, New York, N. Y., protesting against the reduction of the duty on rock salt; to the Committee on Ways and Means.

Also, petition of the New York and New Jersey Live Stock Exchange, Jersey City, favoring placing live stock on the free list; to the Committee on Ways and Means.

Also, petition of the Richmond Chamber of Commerce, Richmond, Va., favoring the passage of legislation for an immediate reform in the banking system of the United States; to the Committee on Banking and Currency.



By Mr. J. I. NOLAN: Petition of the Jewelers' Board of Trade of the Pacific Coast, San Francisco, Cal., against any reduction in the tariff on diamonds, etc.; to the Committee on Ways and Means.

By Mr. ROBERTS of Nevada: Petition of sundry citizens of Nevada, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

By Mr. STEPHENS of California: Petitions of I. B. Walton and 26 other citizens of Los Angeles, Norwalk, Downey, Astasia, Cudahy, and Garden City, Cal., against placing sugar on the free list; to the Committee on Ways and Means.

Also, petitions of sundry citizens of California, against mutual life insurance funds in the income-tax bill; to the Committee on Ways and Means.

Also, petition of the Retail Dry Goods Merchants' Association, of Los Angeles, Cal., against Schedule N of the tariff bill, relative to importation of wild-bird plumage; to the Committee on Ways and Means.

By Mr. WALLIN: Petition of Delos Abel, Schenectady, N. Y., protesting against including mutual life insurance companies in the income-tax bill; to the Committee on Ways and Means.

## SENATE.

FRIDAY, May 9, 1913.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Forrest J. Prettyman, D. D.

The Journal of the proceedings of Wednesday last was read and approved.

### PETITIONS AND MEMORIALS.

Mr. NELSON presented a petition of sundry citizens of Minneapolis, Minn., praying that mutual life insurance companies be exempted from the operation of the income-tax clause of the pending tariff bill, which was referred to the Committee on Finance.

He also presented a resolution adopted by the City Council of Minneapolis, Minn., favoring the establishment of a Federal telegraph and telephone system, which was referred to the Committee on Interstate Commerce.

Mr. NORRIS presented a petition of sundry citizens of Scribner, Nebr., praying for a reduction in the tariff on sugar, which was referred to the Committee on Finance.

Mr. LODGE presented the memorial of Haman Von Hall and 44 other citizens of Boston, Mass., remonstrating against the admission free of duty of cigars from the Philippine Islands, which was referred to the Committee on Finance.

Mr. GALLINGER presented petitions of Frank B. Sawyer, of Keene, N. H.; James M. George, of Grasmere, N. H.; Massillon W. Angier, of Concord, N. H.; G. Wardwell, of Keene, N. H.; Herman C. Weymouth, of Laconia, N. H.; Lloyd E. Maxfield, of Pittsfield, N. H.; James E. Kress, of Johnstown, Pa.; Alfred D. Warren and Frank D. Lackey, of Wilmington, Del.; W. B. McCarthy and C. H. Miller, of Huntingdon, Pa.; Charles F. Van Horn, Alexander W. Dannenbaum, W. C. Pope, J. Howard Wilson, F. L. Degener, jr., J. Blair Kennerly, and Emmett O'Neil, of Philadelphia, Pa.; B. F. Lockwood, F. B. Ray, W. C. Lusk, and B. M. Banton, of Yankton, S. Dak.; Leonard L. Barrett, of Fort Warren, Mass.; Robert Snyder, of Narberth, Pa.; Harry Brown, H. C. Chisolm, and Samuel I. Spyker, of Huntingdon, Pa.; S. Pemberton Hutchinson, of Philadelphia, Pa.; and George C. Jewell and Percy Elmer Jewell, policyholders in the Mutual Life Insurance Co. of New York, praying for the exemption of mutual life insurance companies from the operation of the income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

He also presented a petition of the Linnæan Society of New York, praying for the adoption of the clause in the pending tariff bill relating to the importation of aigrettes and feathers, etc., which was referred to the Committee on Finance.

Mr. JOHNSON of Maine presented memorials of Local Union No. 27, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Woodland; of Local Union No. 12, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Millinocket; of Androscoggin Local Union No. 15, International Brotherhood of Paper Makers, of Lisbon Falls; Local Union No. 146, International Brotherhood of Paper Makers, of Woodland; and of sundry citizens of Sherman, Limestone, and Madison, all in the State of Maine, remonstrating against a reduction in the duty on print paper and pulp, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Portland, Togus, Waterville, Bangor, Van Buren, Westbrook, Old Town, Bridgton, and Caribou, all in the State of Maine, praying for the exemption of mutual life insurance companies from the

operation of the income-tax clause in the pending tariff bill, which were referred to the Committee on Finance.

### TARIFF DUTY ON SHIRTS AND COLLARS.

The VICE PRESIDENT. If there are no further petitions and memorials, reports of committees are in order.

Mr. THOMAS. Mr. President, before the first order is passed I desire to present a matter to the consideration of the Senate which I think properly belongs to that head of business.

On Wednesday last I had occasion, in speaking upon the amendment of the Senator from New Hampshire [Mr. GALLINGER] to the sundry civil appropriation bill, to place in the RECORD a circular issued by the United Shirt & Collar Co. to its employees and posted at various conspicuous places in the several establishments of the workshops belonging to the constituents of the United Shirt & Collar Co. It is unnecessary to do more than to refer at this time to that circular, which appears on page 1262 of the CONGRESSIONAL RECORD.

This morning I received a clipping from the same paper, the Troy Standard Press, relating to the same subject. That clipping consists of a reproduction of an anonymous communication, evidently from one of the working girls in one of these establishments, and doubtless prompted by the circular, which, as you will recall, Mr. President, was accompanied by a cut in wages which the employees were threatening to resist. This clipping is from the issue of May 7, and reads as follows:

We got cut a quarter of a cent Wednesday on every doz. of work makes our pay 50 cts. a day less. There is thirty two of us folding. They want us to send a letter to Washington.

The comment of the paper is:

It is not the custom of the Standard Press to give space in its columns to anonymous communications. Under the existing conditions, however, we believe no apology for deviation from that rule is necessary in presenting this fragment from an anonymous letter as an exhibit of how Republican high "protection" does not protect our working people. To sign such a communication for publication would be equivalent to immediate discharge. It is not the kind of letter being sent to Washington, but a free-will offering of facts. It is doubtful if the most of those other letters, censored "at the office" before mailing are free-will or contain facts.

Commenting further this article assumes to give interviews held upon the subject matter of the circular of May 5 and its effect upon the working people.

"We were ordered to sign a petition—

I am reading from the paper—

asking for amendments to the proposed tariff reduction," said a young woman employed by Tim & Co. this afternoon. "The order was sent out this morning and we were told to stop in the office some time to-day and sign. Accompanying the order was a decided intimation that unless we did so we would receive no more work. Up to noon no girls had obeyed the order, and it was generally conceded that we would remain firm and refuse to do so, although we expected to receive individual and specific instructions on this matter this afternoon and believe that the bosses may attempt to force us to sign before we leave for our homes to-night.

"This attempt to make the employees of the collar shops in Troy pose as martyrs in the case of the enforcement of the tariff reduction is a subterfuge, pure and simple, because we will not be benefited one way or the other. We are not getting the work we should, anyway, and have not for a long while. The top stitchers for the last six weeks have been taking down \$2.50 or so Saturday nights as a week's wages. The other employees of the shop did not average more than \$6 a week for 1911 and 1912, and the prospects for 1913 are no more satisfactory. They can not blame these conditions on the proposed reduction of the tariff, for they existed long before the tariff talk started. Tim & Co. have factories in Rutland, Vt., and Greenbush, and they send their work to those places, so why should we Troy employees worry whether the tariff goes up or down? Yet they are trying to give the public and the Government the impression that we will be seriously affected by any change in the tariff on cotton collars.

"The Cluett factories are also shipping large quantities of work to their other factories and yet they are making an appeal for tariff protection in behalf of their Troy employees. The employees firmly believe that the manufacturers are simply making a play out of the tariff question in order to bring about a reduction in wages. Some of the shops have experienced this cut already, and it was reported to-day that a general cut would take place to-morrow. All the big factories are reported to be preparing for this cut, but the name of Tim & Co. was not mentioned. Possibly this is because we made a successful stand against a proposed cut of a quarter cent some months ago and Messrs. Ellis feel that we will go out again if another attempt is made to cut us, as we certainly would."

### SITUATION GRAVE ENOUGH.

The situation is much more grave than the manufacturers are willing to admit. An effort was made generally throughout the shops of Troy to get the letters and petitions of the employees away to Washington to-day if possible. This brought the situation nearer to a focus and, with the expected cuts hanging over them like a menacing cloud, the workers are not in a very happy state of mind and are ready to resort to any recourse that might seem to offer an opportunity for impressing upon the employers the fact that the tariff reduction can not be made a subterfuge for reduction of wages. One employee of Earl & Wilsons said to-day:

"We have been reduced and reduced until we can not stand another reduction in wages. Old Ed Betts used to say that \$6 a week was enough for any girl to live on, and I guess his sons are putting the father's theory into practice. At least, they appear to think that \$6 a week is enough to pay any girl. We are put up against all kinds of persecution. Although we are working on piecework, we have to be in the shop at 7:10 in the morning or the doors are locked, and we can not get in until 7:45. If we are not in then we are locked out for the day. I do not know what right the Bettses have to lock up their hun-